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Proclaiming Our Faith Anew

INAUGURAL ADDRESS OF PRESIDENT DWIGHT D. EISENHOWER

MY FELLOW CITIZENS: The world and we have passed the midway point of a century of continuing challenge. We sense with all our faculties that forces of good and evil are massed and armed and opposed as rarely before in history.

This fact defines the meaning of this day. We are summoned, by this honored and historic ceremony, to witness more than the act of one citizen swearing his oath of service in the presence of his God. We are called as a people to give testimony, in the sight of the world, to our faith that the future shall belong to the free.

Since this century's beginning, a time of tempest has seemed to come upon the continents of the earth. Masses of Asia have wakened to strike off shackles of the past. Great nations of Europe have waged their bloodiest wars. Thrones have toppled and their vast empires have disappeared. New nations have been born.

For our own country, it has been a time of recurring trial. We have grown in power and in responsibility. We have passed through the anxieties of depression and of war to a summit unmatched in man's history. Seeking to secure peace in the world, we have had to fight through the forests of the Argonne, to the shores of Iwo Jima, and to the mountain peaks of Korea.

In the swift rush of great events, we find ourselves groping to know the full sense and meaning of the times in which we live. In our quest of understanding, we beseech God's guidance. We summon all our knowledge of the past and we scan all signs of the future. We bring all our wit and will to meet the question: How far have we come in man's long pilgrimage from darkness toward light? Are we nearing the light—a day of freedom and of peace for all mankind? Or are the shadows of another night closing in upon us?

The President's Prayer

Following is the text of a prayer which the President wrote early on the morning of his inaugural, January 20, 1953, and delivered before he began his address:

Almighty God, as we stand here at this moment, my future associates in the executive branch of the Government join me in beseeching that Thou will make full and complete our dedication to the service of the people in this throng and their fellow citizens everywhere.

Give us, we pray, the power to discern clearly right from wrong and allow all our words and actions to be governed thereby and by the laws of this land.

Especially we pray that our concern shall be for all the people, regardless of station, race or calling. May cooperation be permitted and be the mutual aim of those who, under the concept of our Constitution, hold to differing political beliefs—so that all may work for the good of our beloved country and for Thy glory. Amen.

Great as are the preoccupations absorbing us at home, concerned as we are with matters that deeply affect our livelihood today and our vision of the future, each of these domestic problems is dwarfed by, and often even created by, this question that involves all human kind.

This trial comes at a moment when man's power to achieve good or to inflict evil surpasses the brightest hopes and the sharpest fears of all ages. We can turn rivers in their courses, level mountains to the plains. Ocean and land and sky are avenues for our colossal commerce. Disease diminishes and life lengthens.

Yet the promise of this life is imperiled by the very genius that has made it possible. Nations

amass wealth. Labor sweats to create—and turns out devices to level not only mountains but also cities. Science seems ready to confer upon us, as its final gift, the power to erase human life from the earth.

At such a time in history, we who are free must proclaim anew our faith.

This faith is the abiding creed of our fathers. It is our faith in the deathless dignity of man, governed by eternal moral and natural laws.

This faith defines our full view of life. It establishes, beyond debate, those gifts of the Creator that are man's inalienable rights and that make all men equal in His sight!

In the light of this equality, we know that the virtues most cherished by free people—love of truth, pride of work, devotion to country—all are treasures equally precious in the lives of the most humble and of the most exalted. The men who mine coal and fire furnaces and balance ledgers and turn lathes and pick cotton and heal the sick and plant corn—all serve as proudly and as profitably for America as the statesmen who draft treaties or the legislators who enact laws.

This faith rules our whole way of life. It decrees that we, the people, elect leaders not to rule but to serve. It asserts that we have the right to choice of our own work and to the reward of our own toil. It inspires the initiative that makes our productivity the wonder of the world. And it warns that any man who seeks to deny equality in all his brothers betrays the spirit of the free and invites the mockery of the tyrant.

It is because we, all of us, hold to these principles that the political changes accomplished this day do not imply turbulence, upheaval, or disorder. Rather this change expresses a purpose of strengthening our dedication and devotion to the precepts of our founding documents, a conscious renewal of faith in our country and in the watchfulness of a Divine Providence.

The enemies of this faith know no god but Force, no devotion but its use. They tutor men in treason. They feed upon the hunger of others. Whatever defies them, they torture, especially the Truth.

Here, then, is joined no pallid argument between slightly differing philosophies. This conflict strikes directly at the faith of our fathers and the lives of our sons. No principle or treasure that we hold, from the spiritual knowledge of our free schools and churches to the creative magic of free labor and capital, nothing lies safely beyond the reach of the struggle.

Freedom is pitted against slavery; light against dark.

Free Peoples Sharing a Common Bond

The faith we hold belongs not to us alone but to the free of all the world. This common bond binds the grower of rice in Burma and the planter of wheat in Iowa, the shepherd in southern Italy and the mountaineer in the Andes. It confers a common dignity upon the French soldier who dies in Indochina, the British soldier killed in Malaya, the American life given in Korea.

We know, beyond this, that we are linked to all free peoples not merely by a noble idea but by a simple need. No free people can for long cling to any privilege or enjoy any safety in economic solitude. For all our own material might, even we need markets in the world for the surpluses of our farms and of our factories. Equally, we need for these same farms and factories vital materials and products of distant lands. This basic law of interdependence, so manifest in the commerce of peace, applies with thousandfold intensity in the event of war.

So are we persuaded by necessity and by belief that the strength of all free people lies in unity, their danger in discord.

To produce this unity, to meet the challenge of our time, destiny has laid upon our country the responsibility of the free world's leadership. So it is proper that we assure our friends once again that, in the discharge of this responsibility, we Americans know and observe the difference between world leadership and imperialism; between firmness and truculence; between a thoughtfully calculated goal and spasmodic reaction to the stimulus of emergencies.

We wish our friends the world over to know this above all: We face the threat—not with dread and confusion—but with confidence and conviction.

We feel this moral strength because we know that we are not helpless prisoners of history. We are free men. We shall remain free, never to be proven guilty of the one capital offense against freedom, a lack of staunch faith.

In pleading our just cause before the bar of his-

tory and in pressing our labor for world peace, we shall be guided by certain fixed principles.

These principles are:

The First Task of Statesmanship

(1) Abhorring war as a chosen way to balk the purposes of those who threaten us, we hold it to be the first task of statesmanship to develop the strength that will deter the forces of aggression and promote the conditions of peace. For, as it must be the supreme purpose of all free men, so it must be the dedication of their leaders, to save humanity from preying upon itself.

In the light of this principle, we stand ready to engage with any and all others in joint effort to remove the causes of mutual fear and distrust among nations and so to make possible drastic reduction of armaments. The sole requisites for undertaking such effort are that, in their purpose, they be aimed logically and honestly toward secure peace for all; and that, in their result, they provide methods by which every participating nation will prove good faith in carrying out its pledge.

The Futility of Appeasement

(2) Realizing that common sense and common decency alike dictate the futility of appeasement, we shall never try to placate an aggressor by the false and wicked bargain of trading honor for security. For in the final choice a soldier's pack is not so heavy a burden as a prisoner's chains.

Keeping America Strong and Productive

(3) Knowing that only a United States that is strong and immensely productive can help defend freedom in our world, we view our Nation's strength and security as a trust upon which rests the hope of free men everywhere. It is the firm duty of each of our free citizens and of every free citizen everywhere to place the cause of his country before the comfort of himself.

Respect for Other Nations' Sovereignty

(4) Honoring the identity and heritage of each nation of the world, we shall never use our strength to try to impress upon another people our own cherished political and economic institutions.

Sharing the Common Defense of Freedom

(5) Assessing realistically the needs and capacities of proven friends of freedom, we shall strive to help them to achieve their own security and well-being. Likewise, we shall count upon them to assume, within the limits of their resources, their full and just burdens in the common defense of freedom.

Indispensability of Economic Health

(6) Recognizing economic health as an indispensable basis of military strength and the free world's peace, we shall strive to foster everywhere, and to practice ourselves, policies that encourage productivity and profitable trade. For the impoverishment of any single people in the world means danger to the well-being of all other peoples.

Strengthening Regional Groupings

(7) Appreciating that economic need, military security, and political wisdom combine to suggest regional groupings of free peoples, we hope, within the framework of the United Nations, to help strengthen such special bonds the world over. The nature of these ties must vary with the different problems of different areas.

In the Western Hemisphere, we join with all our neighbors in the work of perfecting a community of fraternal trust and common purpose.

In Europe, we ask that enlightened and inspired leaders of the Western nations strive with renewed vigor to make the unity of their peoples a reality. Only as free Europe unitedly marshals its strength can it effectively safeguard, even with our help, its spiritual and cultural treasures.

Holding All Races and Peoples in Equal Regard

(8) Conceiving the defense of freedom like freedom itself to be one and indivisible, we hold all continents and peoples in equal regard and honor. We reject any insinuation that one race or another, one people or another, is in any sense inferior or expendable.

Making the U. N. an Effective Force

(9) Respecting the United Nations as the living sign of all people's hope for peace, we shall strive to make it not merely an eloquent symbol but an effective force. And in our quest of honorable peace, we shall neither compromise, nor tire, nor ever cease.

By these rules of conduct, we hope to be known to all peoples. By their observance, an earth of peace may become not a vision but a fact. This

hope—this supreme aspiration—must rule the way we live.

We Must Be Willing to Dare All

We must be ready to dare all for our country. For history does not long entrust the care of freedom to the weak or the timid. We must acquire proficiency in defense and display stamina in purpose.

We must be willing, individually and as a nation, to accept whatever sacrifices may be required of us. A people that values its privileges above its principles soon loses both.

These basic precepts are not lofty abstractions far removed from matters of daily living. They are laws of spiritual strength that generate and define our material strength. Patriotism means equipped forces and a prepared citizenry. Moral stamina means more energy and more productivity on the farm and in the factory. Love of liberty means the guarding of every resource that makes freedom possible—from the sanctity of our families and the wealth of our soil to the genius of our scientists.

So each citizen plays an indispensable role. The productivity of our heads, our hands, and our hearts is the source of all the strength we can command, for both the enrichment of our lives and the winning of peace.

No person, no home, no community can be beyond the reach of this call. We are summoned to act in wisdom and in conscience; to work with industry, to teach with persuasion, to preach with conviction, to weigh our every deed with care and with compassion. For this truth must be clear before us: Whatever America hopes to bring to pass in the world must first come to pass in the heart of America.

The peace we seek, then, is nothing less than the practice and the fulfillment of our whole faith, among ourselves and in our dealings with others. It signifies more than stilling the guns, easing the sorrow, of war.

More than an escape from death, it is a way of life.

More than a haven for the weary, it is a hope for the brave.

This is the hope that beckons us onward in this century of trial. This is the work that awaits us all, to be done with bravery, with charity—and with prayer to Almighty God.

Secretary Dulles' Message to His New Associates

Statement by Secretary Dulles [1]

TO MY ASSOCIATES IN THE DEPARTMENT OF STATE AND THE FOREIGN SERVICE

As I assume the post of Secretary of State, my thoughts turn to my future associates in the Department of State and the Foreign Service.

We are united by the heavy responsibilities that press upon us. We are front-line defenders of the vital interests of the United States which are being attacked by a political warfare which is as hostile in its purpose and as dangerous in its capabilities as any open war. President Eisenhower recently stated, "This nation stands in greater peril than at any time in our history."

The peril is of a kind which places a special responsibility on each and every member of the Department of State and the Foreign Service. It requires of us competence, discipline, and positive loyalty to the policies that our President and the Congress may prescribe.

Less than that is not tolerable at this time.

Lest any misunderstand, let me add that loyalty does not, of course, call for any one to practice intellectual dishonesty or to distort his reporting to please superiors. Our foreign policies will prevail only if they are based on honest evaluations of the facts.

Each foreign mission will have its appointed task, which will form part of our nation's overall strategy designed to win peacefully the struggle that has been forced on us. Each mission will be expected to accomplish its task.

It will be necessary, from time to time, to adjust our Department and Foreign Service so that we shall be best able to discharge our responsibilities and reach our chosen goals. This will be done with all of the consideration which the situation seems to permit. But the national welfare must be given priority over individual concerns.

I know, and our fellow citizens know, that those who comprise the Department of State and Foreign Service are, as a whole, a group of loyal Americans dedicated to the preservation of American ideals. You are the worthy heirs of a noble tradition. I am honored to be one of you and I am confident that, under the leadership of President Eisenhower, we shall go on to deserve well of the nation we love and serve.

[1] Made on Jan. 21 immediately after he was sworn in as Secretary of State; circulated among Department offices and Foreign Service posts and released to the press on Jan. 22 (press release 40).

IIA Provides Inaugural Coverage

Press release 37 dated January 19

The International Information Administration (IIA) used its broadcasting, film, and press facilities to carry the story of the inauguration of Dwight D. Eisenhower as President of the United States throughout the world.

A special inaugural program over the Voice of America, from 11:45 a.m. to 1 p.m. January 20, was beamed simultaneously to Europe, the Near and Middle East, Far East, and Latin America on a total of 42 frequencies. The massed transmission was carried by a score of domestic transmitters and relayed by medium wave or short-wave transmitters in England, Germany, Greece, Tangier, Hawaii, and the Philippines, as well as by the seagoing relay base, the U. S. Coast Guard Cutter *Courier*, now anchored in the Eastern Mediterranean.

The special radio program originated from both the Capitol steps in Washington and Voice of America studios in New York. Full inauguration coverage was provided in all of the 46 VOA language services.

The inaugural programs were relayed locally in a number of countries. In Japan, for example, the broadcasting corporation of Japan relayed over its regular network a half-hour VOA Japanese-language program to an estimated 20 million listeners.

The IIA gave complete film coverage to the speech, parade, and other functions.

IIA's press service will send the full text of the inaugural address to America's missions abroad as soon as it is available. Text of the address will be sent in English and will also be made available in translations.

Semiannual Report of IIA

Press release 29 dated January 15

Secretary Acheson on January 16 sent to Congress the Ninth Semiannual Report of the International Information and Educational Exchange Program, which is administered by the Department of State through the International Information Administration (IIA).

In the document, the Secretary reported on the activities, expenditures, and effectiveness of the psychological offensive of the United States. The report is required by Public Law 402 (80th Cong., 2d sess.).

In an attached memorandum, Wilson Compton, Administrator of the IIA program since January 1952, stated that the program is "gaining in impact and effect in most but not all of the countries in which its activities are under way."

This is the first report since all of the "foreign information activities for the administration of which the Secretary (of State) is responsible" were consolidated in the IIA program. The report is a comprehensive summary of the policies and information objectives of the United States in four great areas of the world; it describes the "Menace of Communist Propaganda"; and it gives examples, country by country, of the IIA action programs now under way. The report also explains the technical operations of the IIA services—radio (the Voice of America), press, motion pictures, information centers, and the exchange-of-persons program, as well as the support of the program through private enterprise cooperation.

In a section headed "Some Assumptions for the Future," the report states that "the Soviet Union will continue its policy of using all available means to defeat our policies and program; and that these actions will intensify the pressures on the free world."

The report concludes with two recommendations:

> We should maintain and increase our efforts to reach behind the Iron Curtain.
>
> We must demonstrate our decent and constructive purposes so effectively that we will inspire the confidence of people in other countries and their greater willingness to join with us in developing a world community of free nations.

Following is the text of Mr. Compton's memorandum to Secretary Acheson, transmitting the report:

> The overseas information program of the United States, administered by the Department of State through the U. S. International Information Administration, is gradually gaining in impact and effect in most but not all of the countries in which its activities are under way. This program is not as good as its most enthusiastic advocates claim. It is not as bad as its severest critics say. There have been some wasted and misdirected efforts and some negligent "housekeeping." Most of these situations have been substantially improved. Some have been corrected. All of them are having attention.
>
> Following your order in January 1952 establishing the U.S. International Information Administration (IIA), all of the "foreign information activities for the administration of which the Secretary [of State] is responsible" have now been consolidated within this program. In addition, agreements have been completed or are in process with the Mutual Security Agency (MSA) for the practical integration of the IIA–MSA information activities in Europe, country by country. This has been a great gain. Steps toward similar integration in the countries of Southeast Asia should be undertaken. By agreement with the Technical Cooperation Administration (TCA) we are handling its general information activities.
>
> The report transmitted with this letter covers the period from January 1, 1952, through June 30, 1952. It should be noted, however, that beginning as of July 1, 1952, we have undertaken the responsibility for the information programs in Germany and Austria. At the request of the Department of the Army the Japan program was transferred to the International Information Administration at the end of April. Therefore, the overseas in-

formation program—which on June 30, 1952, covered 85 countries—now covers 88 countries, including major activities in several "high priority" countries. The desirability and the financial feasibility of continuing an information program in a number of the "low priority" countries are under review.

The contemplated reorganization of constituent units of the International Information Administration is under way. Its chief goals in each country are:

Sharper definition of U.S. information objectives.
More positive, i. e. less defensive, themes.
Strengthening of overseas staffs with maximum use of qualified local nationals; and concurrently the conversion of media divisions into effective means of servicing approved country programs.
Larger initiative, responsibility, and authority in overseas missions.
Better means of determining effectiveness of each country program.

To complete these changes in organization and functions is a formidable undertaking. It will take at least 18 months. We have had much help from the Bureau of the Budget, encouragement from the Advisory Commission on Information and the Advisory Commission on Educational Exchange, and useful suggestions from committees and members of the Congress. These improvements in basic organization should be diligently pressed. In no other practical way may we expect to direct our efforts where they will count for the most, with the least waste and with the largest return from the funds invested in this overseas "crusade of ideas."

The procedures which you established for assuring the day-to-day guidance of the information activities in conformity with United States policy have worked satisfactorily. The International Information Administration appreciates the assistance, for this purpose, of the Office of the Assistant Secretary for Public Affairs and of the regional bureaus of the Department of State.

As currently reported to you, steps have been taken to assure that no person of doubtful loyalty to the United States will be engaged or continued in this program.

This office is grateful for the interest and cooperation of your office and of the Office of the Under Secretary in these initial stages of the organization of the International Information Administration.

WILSON COMPTON
Administrator, International Information Administration.

Whither Disarmament?

by Benjamin V. Cohen[1]

There is one point on which I should hope there would be general agreement. At this stage of the struggle for disarmament it is essential that we adhere strictly to the principle of rotation in office. Having devoted most of my time the past year as our representative on the U.N. Disarmament Commission, I am keenly aware that we need an infusion of new blood and new ideas. The struggle for disarmament is too important to be handicapped by veterans who are beaten down rapidly by their own frustrations and are apt, if they stay at the task too long, to lose hope, resiliency, and vision.

During the past year the Disarmament Commission has made little progress toward agreement between the free and the Cominform world on disarmament. But it seems to me that considerable progress has been made in an educational way toward a better understanding of the nature and significance of the problem of disarmament.

In the Commission our Government has tried to direct serious attention not only to the basic objectives and principles of disarmament but to suggest various practical approaches toward a disarmament program. We have planted seeds which if properly nurtured will, we hope, in the future bring forth rich fruit.

Let me summarize the proposals which we have made:[2]

(1) We have submitted a statement of the essential principles of disarmament. We have sought to relate the principles which should govern a disarmament program to the law of the Charter. We have sought to give effect and meaning to the basic Charter obligation of states to refrain in their international relations from the threat or use of force in any manner inconsistent

[1] Address made at Washington on Jan. 16 before the Workshop on World Disarmament sponsored by officers of various national organizations. For Ambassador Cohen's letter of resignation as deputy U. S. representative on the U.N. Disarmament Commission and his report on the Commission's work, see BULLETIN of Jan. 26, 1953, p. 142.

[2] For citations to texts of these proposals, see summary printed in BULLETIN of Oct. 27, 1952, p. 648.

with the purposes of the Charter. We have insisted that the goal of an effective disarmament program must be not to regulate the armaments to be used in war, but to prevent war.

To achieve this goal, all states have a responsibility to cooperate to establish and maintain an open and substantially disarmed world. That is the only way in fact to eliminate armed force or the threat of armed force as an instrument of national or ideological policy. In a substantially disarmed world, no state should or would be in a condition of armed preparedness to start a war. In an open world no state should or would be in a position to undertake preparations for war without other states having knowledge and warning of such preparations long before the offending state could start a war.

These principles must be adhered to if the world is to enjoy the fourth freedom—freedom from fear—which President Roosevelt proclaimed in 1941. It was President Roosevelt himself who translated freedom from fear in world terms to mean a world-wide reduction of armaments to such a point and in such a thorough fashion that no nation will be in a position to commit an act of physical aggression against any neighbor anywhere in the world.

We must therefore approach the problem of disarmament from the standpoint that no state can have a sovereign right to wage war or to menace the world with its arms.

Effects on International Relationships

Before summarizing the other proposals which we made in the Disarmament Commission, it might be worth while to consider some of the far reaching effects that the genuine acceptance of these principles of disarmament could have in the course of time on international relationships.

If there were reasonable certainty that no nation was in a state of armed preparedness to undertake a war with any prospect of success, or to accomplish an act of aggression by a quick, decisive blow there would be a profound change in the climate of international relationships. Differences would remain differences in ideas, in interest, and even in power. But the people would know that they could not suddenly explode into war. The road to genuine understanding and peaceful settlement would not be blocked by the necessity of considering every problem in light of its effect on military potential in some future war rather than in light of its effect on human welfare in a peaceful, friendly world. The barriers to East-West trade, for example, would fall of their own weight. There would be much less danger of states seeking to strengthen and protect themselves in event of war by strategic settlements which themselves plant the seeds of friction and war.

For good or ill, even in a disarmed world, power would still be an important factor. But national power in a disarmed world like power in the domestic field would depend not on armed preparedness, but on the health and virility of the people and the industrial and economic development of the nation. There should be very little difference in power relationships if all states arm to the hilt or if all states disarmed completely, but there should be a great difference in the happiness and welfare of the people.

Many of you may say all such thinking in the international field is visionary and unreal, but I suppose many people in the early days of the development of private law regarded the lawmakers who sought to outlaw private wars and private armies as visionaries and dreamers. It is worth remembering that the primary end of all primitive private law was to keep the peace. Crude approximations of justice through ordeals and trials by battle were accepted as far preferable to allowing men to take the law into their own hands and to engage in private wars.

It was probably not easy for primitive man to give up the right to take the law into his own hands in order to redress wrongs done him or his family. Even in modern society the instinct of man to duel and to feud is not completely extinct. But it was in a sense the genius of primitive law that it forbade resort to violence to rectify wrongs even before it developed completely adequate means of punishing or redressing wrongs other than the breaking of the peace.

In historic perspective, it would seem that the effective outlawing of war is a necessary prerequisite to the establishment of the rule of law. There would seem to be considerable ground for the belief that the effective outlawing of war and of national armaments must come before there can be any extensive development of world law or world order rather than the other way around. Of course as progress is made toward the elimination of war and of armaments, the need for the development of effective procedures for the settlement of disputes by peaceful means will be better appreciated and understood. Practical statesmen may then give as much attention to the problem of the peaceful adjustment of differences as they now give to the problem of armed defense. States may even become conscious not only of their obligation under the Charter to refrain from the use of force except in defense of the Charter, but their obligation under the Charter to settle their international disputes by peaceful means in such a manner that international peace and security and justice are not endangered.

Universal disarmament imposing drastic limitations on national armaments would not stand in the way of collective security. On the contrary, by bringing its task within manageable proportions, universal disarmament should increase the possibility of effective collective security immeasurably. Law enforcement in the international

field, like law enforcement in the domestic field, does not depend on the vast accumulation of arms in the possession of the peace officers, rather it hinges upon the rigid limitation of arms in the possession of organized groups not responsible to the peace officers. Large national armies and armaments are as inimical to international peace as large private armies and armaments have always been to domestic peace.

In the long run, it is likely that justice will fare better in a world where neither nations nor individuals may take the law into their own hands and fight it out. There is much greater danger of confusion of right and might in an armed world than in a disarmed world. In an armed world there must be arms to support and sustain the right. Every nation remembers with pride its efforts to support and sustain the right with its arms and fighting men. But there is no assurance that in an armed world armed power, even in the service of the right, may not come to have a corroding influence on men's ideas as to what is right and what is wrong. The power of righteousness is on the whole, over a fair stretch of time, more likely to prevail in a disarmed world than in an armed world.

Suggested Approaches to a Program

Let us now return to the summary of our work in the Disarmament Commission and some of the practical approaches to a disarmament program which we suggested to the Commission.

(2) We submitted a working paper containing concrete suggestions for a progressive and continuing system of disclosure and verification under effective international control which would embrace all armed forces and armaments, including atomic and bacteriological. The working paper was to provide a system of continuing inspection as the ground work for effective safeguards and realistic controls to insure that agreed disarmament became actual disarmament. Responsible statesmen cannot rely on mere paper promises which provide no assurance of their observance. We cannot make genuine progress toward disarmament by piecemeal attempts to forbid the use of particular weapons without safeguards designed to give assurance that such weapons will not be available for use.

We have suggested that disclosure and verification be carried out progressively in five stages. We have suggested that the system proceed by stages not because we want to proceed at a snail's pace, but because we know that in the present state of world tension, no state would tear the veil of secrecy from its most carefully guarded security arrangements unless it could be satisfied that other states were proceeding with the good faith and the same understanding and at the same pace. We have sought to provide that the information disclosed in the atomic field should be approximately parallel to the information disclosed in the nonatomic field.

(3) We joined with France and the United Kingdom in submitting a tripartite working paper suggesting the fixing of numerical limits or ceilings on all armed forces of all states. As a basis of discussion the working paper proposed equal maximum ceilings of between 1,000,000 and 1,500,000 for the United States, the Soviet Union, and China, and equal maximum ceilings of between 700,000 and 800,000 for France and the United Kingdom. The paper suggested the fixing of comparable maximum ceilings for all other states having substantial armed forces.

Many of the present difficulties both in Europe and in Asia spring from an imbalance of armed strength which causes some nations to feel that they live only by leave or grace of their more powerful and none too friendly neighbors. Obviously, if a balanced reduction of arms is to reduce the danger and fear of war, it must take into account the balance of armed strength of the most powerful states not only in relation to one another but also in relation to their neighbors. The overall reductions proposed and contemplated by the tripartite paper were balanced and substantial. The initial reduction for the United States and the Soviet Union would be well over 50 percent.

A nation's armed forces are not the only measure of its armed strength. Other elements must be dealt with in any comprehensive program. But aggressors are not likely to go to war without the armed forces necessary to insure the successful accomplishment of their aggressive purposes. Tentative agreement on the size of permitted armed forces should greatly facilitate agreement on the quantities and types of permitted armaments.

(4) In collaboration with France and the United Kingdom, we submitted a supplement to the tripartite working paper suggesting practical procedures to prevent the undue concentration of permitted armed forces in particular categories of services, to limit armaments in types and quantities to those necessary and appropriate for the support of permitted armed forces, and to bring all essential elements of the disarmament program into equitably balanced and fairly synchronized relationship.

Under these procedures it was contemplated that all armed forces and armaments other than those expressly permitted were to be eliminated, that all major weapons adaptable to mass destruction were to be excluded from permitted armaments, and that atomic energy was to be placed under effective international control to insure its use for peaceful purposes only.

(5) We reiterated our support of the U.N. plan for the control of atomic energy, but at the same time we reaffirmed our willingness to examine seriously and with an open mind any proposal for the effective control of atomic energy which might be presented. We pointed out that the concept of

disclosure and verification which includes continuing inspection provides an indispensable first step in laying the ground work for any control plan in the atomic field. Until the Soviet Union is willing to consider this concept, little progress can be made toward determining the other elements of control—those contained in the U.N. plan or others—which would be necessary.

(6) Finally, we suggested a plan for the elimination of bacteriological weapons and facilities for their production and use, within the framework of a comprehensive disarmament program.

The Soviet Union sought to leave the false impression that the United States was opposing any effort in the United Nations to devise ways and means of eliminating bacteriological weapons as a part of a disarmament program. The record proves the exact contrary. It was the Soviet Union which would not budge beyond a paper promise—carrying with it no effective guarantee of its observance—not to use bacteriological weapons. It was the United States which proposed that in connection with an effective system of disclosure and verification all bacteriological weapons be eliminated from national armaments and thus not only their use but their very existence prohibited.

Paper Promises Not Enough

We cannot be content with paper promises not to use weapons of mass destruction. Aggressors who would break their Charter obligation not to go to war could not be trusted to keep their paper promises not to use bacteriological weapons if they had them and found their use advantageous. In any effective disarmament program we must see to it that prohibited weapons are not available for use.

We do not contend that the proposals thus far presented to the Commission would solve all problems. The proposals were not intended to be final and definitive in terms or exhaustive in details. They were intended only to provide a basis for discussion and to open avenues by which we might approach understanding and agreement.

Unfortunately the Soviet representative on the Commission was unwilling or unable to discuss seriously any of the working papers submitted to the Commission or to make any constructive suggestions. The Soviet representative only insisted that the Commission adopt the elusive phantom proposals which the Soviet Union had first made in the General Assembly several years ago and which the General Assembly has rejected repeatedly. When requested, he even refused to give explanations or to answer questions concerning these shadowy proposals.

The Disarmament Commission cannot force agreements upon recalcitrant nations. It cannot bridge deep and fundamental differences by linguistic sleight of hand. Excessive zeal to obtain agreements which gloss over rather than resolve these differences may even increase the tensions and fears which stand in the way of necessary agreement.

We have tried to avoid freezing our positions or taking inflexible stands. But until the Soviet Union is prepared to talk seriously and to negotiate in good faith, we must be on our guard against negotiating ourselves out of sound positions for the sake of illusory agreements.

We should not modify or abandon valid and reasonable proposals before any sincere negotiations have started. If we do so, we may lose the confidence of our own people without securing any genuine concessions from others.

We must maintain an open mind, but an open mind need not be a weak or fuzzy mind. Until we can reach the stage of serious discussions with the Soviet Union, we should devote our time, energy, and resourcefulness to improving and perfecting our proposals rather than to compromising and emasculating them. We should review and re-examine our positions and ideas to determine whether they are intrinsically sound, workable and fair from the point of view not simply of any one nation, but of the community of nations.

Let us make sure that we really are ready to negotiate when the time for real negotiations comes, as it surely must come if the civilized world is not to be blown to smithereens. Let us make sure that we ourselves thoroughly understand the full sweep of the problems of disarmament in all their political, psychological, and technical aspects. I do not minimize the preparations already made, but much, much more remains to be done. And in this task we must enlist our best, our most resourceful minds. The task requires wisdom, vision, and courage. While we must guard against premature concessions and compromises before serious negotiations begin, we must redouble, not slacken, our efforts to break down the barriers which stand in the way of serious talks and discussions. In this task also we need our best, our most imaginative, resourceful, and fearless minds. It will be little comfort to those who may survive another world war to know that it came not through our fault.

Of course if and when we arrive at the stage of serious negotiations, we cannot expect to write our own ticket. We will have to accept or reject agreements that can be had, not by the standard of perfectibility, but by the standard of comparative good. We will have to ask ourselves not whether the agreements we can secure are ideal but whether they are better than no agreements.

Many agreements less than ideal may be in our

Correction

BULLETIN of Dec. 29, 1952, p. 1019, footnote 2: The date is incorrect; demolition was not completed until Jan. 6, 1953.

interest and in the world's interest. But we must not assume that any agreement is better than no agreement. Any militarist would accept an agreement to disarm his adversaries. While there may be no one exclusive test by which we can judge the acceptability of a disarmament agreement, the most important test would seem to be whether the agreement is likely to reduce the danger of war and the fear of aggression.

Relating disarmament to the prevention of war does not in my judgment remove it from the field of practical world politics. On the contrary, it brings it into the field of practical world politics.

We are, I fear, deluding ourselves if we think that we can make progress in disarmament if we regard it merely as a bargaining process involving haggling over quotas of armaments with a view to regulating the armaments used in war, or to codifying the rules of war, or to reducing the cost of preparing for war. When nations engage in total war and fight to kill, it is difficult to regulate the manner of killing. Realists are not likely to take disarmament seriously until they become convinced that disarmament can prevent war.

No nation today can be indifferent to the threat to its very survival of the new instruments of modern warfare. Even the most fanatical and aggressive power must balk at self-destruction. There is good reason to believe that in a thermonuclear age the instinct of self-preservation will impel the leaders of all nations to accept common survival in preference to mutual extinction.

In the interest of common survival, we must quicken our efforts within the United Nations and in every other way open to us to develop a better understanding of the problems of armaments in this atomic and thermonuclear age and the significance of disarmament as a means of eliminating the danger and fear of war which threatens the survival of our common humanity. Let us bestir ourselves before the curfew sounds the knell of a parting world.

Calendar of Meetings [1]

Adjourned During January 1953

FAO (Food and Agriculture Organization):		
Meeting on Rice	Bangkok	Jan. 5–16
Regional Extension Development Center	Beirut	Jan. 6–17
Inter-American Research Seminar on National Income	Santiago	Jan. 5–17
Rubber Study Group, 2d Session of Working Party	London	Jan. 5–27
UN (United Nations):		
Economic and Social Council:		
Economic Commission for Asia and the Far East:		
Inland Transport Committee, Inland Waterway Subcommittee: 1st Session.	Bandung	Jan. 14–17
Inland Transport Committee, Railway Subcommittee: 1st Session.	Bandung	Jan. 14–17
Inland Transport Committee: 2d Session	Bandung	Jan. 19–23
Population Commission: 7th Session	New York.	Jan. 19–30
WMO (World Meteorological Organization):		
Regional Association for Africa: 1st Session	Tananarive	Jan. 19–31*

In Session as of January 31, 1953

International Materials Conference	Washington	Feb. 26, 1951–
ICAO (International Civil Aviation Organization):		
Council: 18th Session	Montreal	Jan. 13–
Southeast Asia/South Pacific Regional Air Navigation Meeting (and limited South Pacific).	Melbourne	Jan. 13–
WHO (World Health Organization):		
Executive Board: 11th Session	Geneva	Jan. 21–
UN Ecosoc (United Nations Economic and Social Council):		
Ad Hoc Committee on Restrictive Business Practices: 4th Session.	New York.	Jan. 12–
Economic Commission for Asia and the Far East: Commission on Industry and Trade: 5th Session.	Bandung	Jan. 26–
CFM (Council of Foreign Ministers):		
Deputies for Austria	London	Jan. 30–
International Wheat Council: 11th Session	Washington	Jan. 30–

[1] Prepared in the Division of International Conferences, Department of State, Jan. 22, 1953. Asterisks indicate tentative dates.

Calendar of Meetings—Continued

Scheduled February 1—April 30, 1953

GATT (General Agreement on Tariffs and Trade):		
Ad Hoc Committee for Agenda and Intercessional Business of the Contracting Parties.	Geneva	Feb. 2–
ILO (International Labor Office):		
Textiles Committee: 4th Session	Geneva	Feb. 2–
Governing Body: 121st Session	Geneva	Feb. 20–
Committee on Work on Plantations: 2d Session	Habana	Mar. 16–
Joint ILO/WHO Committee on the Hygiene of Seafarers: 2d Session.	Geneva	Apr. or May
UN (United Nations):		
Transport and Communications Commission: 6th Session	New York	Feb. 2–
Statistical Commission: 7th Session	New York	Feb. 2–
Economic Commission for Asia and the Far East: Ninth Session of the Commission.	Bandung	Feb. 6–
Committee on Non-Governmental Organizations	New York	Feb. 16–
ECAFE: Second Regional Conference on Trade Promotion	Manila	Feb. 23–
General Assembly, Reconvening of 7th Session	New York	Feb. 24–
Technical Assistance Conference: Third	New York	Feb. 26–
Economic Commission for Europe: 8th Session	Geneva	Mar. 3–
Commission on the Status of Women: 7th Session	New York	Mar. 16–
Technical Assistance Committee	New York	Mar. 16–
Commission on Narcotic Drugs: 8th Session	New York	Mar. 30–
Economic and Social Council: 15th Session	New York	Mar. 31–
Consultative Group in the Field of Prevention of Crime and Treatment of Offenders (Latin American Regional).	Brazil	Mar.
Human Rights Commission: 9th Session	Geneva	Apr. 6–
Economic Commission for Latin America: 5th Session	Rio de Janeiro	Apr. 6–
UN/ILO *Ad Hoc* Committee on Forced Labor	Geneva	Apr. 17–
ECAFE: Regional Conference on Mineral Resources Development.	Tokyo	Apr. 20–
Fiscal Commission: 4th Session	New York	Apr. 27–
International Wheat Council: Reconvening of 8th Session	Washington	Feb. 2–
NATO (North Atlantic Treaty Organization):		
Information Conference	Paris	Feb. 5–
Petroleum Planning Committee: 4th Meeting	Paris	February
Planning Board for European Inland Surface Transport: 3d Session.	Paris	February
Ministerial Meeting of the North Atlantic Council	Paris	March
Inter-American Economic and Social Council: Third Extraordinary Meeting.	Caracas	Feb. 9–
Pakistan Science Conference, Fifth Annual	Lahore	Feb. 16–
ICAO (International Civil Aviation Organization):		
First Air Navigation Conference	Montreal	Feb. 24–
Commonwealth Advisory Committee on Defense Science	New Delhi	Feb. 25–
FAO (Food and Agriculture Organization):		
Meeting of Group of Experts on Emergency Food Reserve	Rome	Feb. 23–*
Coordinating Committee: 3d Session	Rome	Mar. 16–
Committee on Relations with International Organizations	Rome	Mar. 30–
Technical Advisory Committee on Desert Locust Control: 3d Meeting.	Rome	Apr. 21–
Cannes Film Festival, VIth International	Cannes	Mar. 11–
WMO (World Meteorological Organization):		
Commission for Climatology: 1st Session	Washington	Mar. 12–
Commission for Synoptic Meteorology: 1st Session	Washington	Apr. 2–
OEEC (Organization for European Economic Cooperation):		
Conference on European Inland Transport	Paris	Mar. 18–
International Rubber Study Group: 10th Meeting	Copenhagen	March
International Tin Study Group: 7th Meeting	London	March
Mining and Metallurgical Congress, Fifth Empire	Australia and New Zealand	Apr. 12–
ICEM (Intergovernmental Committee for European Migration):		
Finance Subcommittee	Geneva	Apr. 13–
Fifth Session of ICEM	Geneva	Apr. 16–
South Pacific Conference: Second	Nouméa	Apr. 16–
PASO (Pan American Sanitary Organization):		
Executive Committee: 19th Meeting	Washington	Apr. 19–
Inter-American Council of Jurists: 2d Meeting	Buenos Aires	Apr. 20–
South Pacific Commission: 11th Session	Nouméa	Apr. 25–
Timber Trade Conference (Caribbean Commission)	Trinidad	April
ICSU (International Council of Scientific Unions):		
Joint Commission on Physiological Optics	Madrid	April
Central and South Africa Transport Conference	Lourenço Marques	April

Human Rights in the United States: 1951

The following report was prepared at the request of the United Nations for publication in its "Yearbook on Human Rights," and is similar in form to reports prepared on the same subject in previous years. The Department of State had the cooperation of interested agencies of the Government in assembling information on the various topics considered in the report.

In the political and legal tradition of the United States the rights of individuals have always comprised protection of individual liberty against Government as well as the right of individuals to claim positive action by Government to protect their rights. This high value placed on limitations on the powers of Government finds expression in constitutional provisions which define those powers and subject them to specific restrictions. The liberties thus guaranteed to everyone in the United States must be respected by governmental agencies, Federal as well as local; and they find protection, when necessary, in the courts of the States and of the United States. The responsibility for affirmative action to protect and extend the recognized rights of Americans similarly rests on the Governments of the United States, the States, territories, and local communities, each according to the functions constitutionally assigned to it in the Federal structure of the United States.

Constitutional and legislative provisions relating to human rights have a long history in the United States. Many of the statements on freedom of speech, press, and religion and the right to self-government date back to the charters and agreements made at the time the first settlers came to America. These bills of rights, as they were called, were frequently retained and expanded in constitutions framed in the early colonies and later in the various States, and were the basis for the first ten amendments, known as the Bill of Rights in the Federal Constitution. Additional rights protecting citizens are in the body of the Constitution, and some have been added in later amendments.

Under the judicial system of the United States, the interpretations of particular constitutional and legislative provisions in relation to cases brought before the courts become precedents which must be taken into account in later cases, thus constantly expanding the understanding and application of these provisions in the changing situations of modern life. Since the provisions in the early colonial and State constitutions related largely to civil and political rights, a great body of legislative and judicial interpretation exists in this field. In the field of social, economic, and cultural rights, the legislative and judicial activity reported in any one year tends to be relatively greater, both because of the complex problems involved as the country opens up new opportunities to its citizens and because fewer laws and precedents have as yet been produced to give these rights their full and precise meaning. The responsibility of State Governments in regard to social, economic, and cultural rights is extensive, as under the U.S. Constitution the Federal Government may exercise only limited powers in certain areas, and the promotion of certain rights, such as education, is largely a function of the States.

In addition to the support for human rights by governmental agencies, constitutional and legal provisions, and court decisions, not least in importance is the support afforded in the exercise and enjoyment of these rights by the attitude of the American people and the whole climate of public opinion.

Progress of the United States in the field of human rights during 1951 must therefore be considered as supplementing and reaffirming the basic human rights and liberties long enjoyed in this country.

This survey touches only on the major and most significant developments in this field, viz on definitive actions and statements of the executive branches of the Federal, State, and Territorial Governments, on the most important Federal, State, and Territorial laws, on international agreements which have actually come into force, and on legal principles established by decisions of the highest courts of the land. A complete picture would also include reference to the day-to-day Federal, State, and Territorial activities relating to human rights and to those continuing from past years and to the vast financial provision for these

activities made by States, Territories, and local communities as well as by the Federal Government.

Part I will take up those actions of the Federal, State, and Territorial Governments and some of those of their local subdivisions which have seemed to represent significant developments in the field of human rights in the United States in 1951, including both civil and political rights on the one hand and economic, social, and cultural rights on the other. Part II will refer to the several international agreements made by the United States which came into force in 1951 and contained references to human rights.

I. FEDERAL, STATE, AND TERRITORIAL ACTIONS

Human rights can be affected by action of the executive, legislative, or judicial branches of the Governments of the United States, the States, and Territories, or local governmental units. Such actions may range from an Executive order of the President, a law of the Congress, or a decision of the Supreme Court of the United States to a local city ordinance regulating the holding of street-corner meetings.

General

As in previous years, President Truman by proclamation [1] designated December 10 as Human Rights Day and called upon the people of the United States to celebrate that day by public reading of the Universal Declaration of Human Rights and by other ceremonies designed to enlarge our understanding of its provisions and thus to "join with the citizens of other countries in a common effort to strengthen the forces of freedom, justice, and peace in the world through promoting the universal achievement of the fundamental human rights and freedoms set forth in the Declaration."

Similarly, December 15 was widely celebrated as Bill of Rights Day, commemorating the 160th anniversary of our Bill of Rights, which is the name popularly given to the first ten amendments to the Constitution of the United States. It is these amendments which contain the principal guarantees of human rights in the Constitution, including those of freedom of speech and of the press, freedom of petition for redress of grievances, the right of freedom from search and seizure, the right of fair and speedy trial, trial by jury, and confrontation of opposing witnesses, the prohibition of excessive bail or fines, and of cruel and unusual punishments, and the right not to be deprived of life, liberty, or property without due process of law.

Practical methods of promoting an understanding of human rights were set forth in the publication issued by the U.S. Office of Education entitled *How Children Learn About Human Rights*.[2] This booklet gave suggestions for teaching children about human rights and for the application of the principles involved in human rights to situations arising in the schoolroom.

Civil and Political Rights

The enjoyment of his civil and political rights by the inhabitant of the United States is well grounded in specific constitutional provisions, legislation, judicial holdings, more than a century of usage and precedent, and a favorable state of public opinion. Specific aspects of these rights are defined still more clearly each year by law or judicial action. For instance, in 1951 progress was recorded in the removal by additional States of the poll tax as a requirement for voting. The requirements of a fair trial were more clearly set forth and other civil and political rights were better defined.

GOVERNMENT BY THE WILL OF THE PEOPLE

Voting. The Federal Constitution assures the citizens of the United States a republican form of government, responsive to the will of the people through their elected representatives and expressly provides that the right to vote shall not be denied or abridged on account of race, color, or sex. In 1951 additional measures to assure every citizen the right to vote in fair and honest elections were adopted in several States.

Two States, South Carolina and Tennessee, eliminated payment of poll tax as a qualification for voting. South Carolina, in a general election in 1950, had approved a constitutional amendment to this end, and during 1951 this amendment became effective by action of the General Assembly. These actions reduced the number of States requiring payment of a poll tax as a prerequisite for voting to five.

In October 1951 the Louisiana Democratic State and Central Committee deleted a rule that only whites could participate in the party's primary elections in that State.

In Florida the election law of 1951 was interpreted as forbidding segregation at the polls by permitting but one place of entrance to the polls and one place of exit from the polls.

In Alabama a constitutional amendment was adopted requiring those seeking to register for voting to satisfy the county registrars that they are of good character, that they have fulfilled the obligations for State and Federal citizenship, can read and write any article of the U.S. Constitu-

[1] 16 *Fed. Reg.* 12449.

[2] Wilhelmina Hill and Helen K. Mackintosh, Federal Security Agency, Office of Education, *How Children Learn About Human Rights*, Bulletin No. 9, 1951, (Washington, Government Printing Office, 1951).

tion, and pass a written examination to be prepared by the State Supreme Court.

An Alabama law affirmed for certain workers the right to take time off to vote, thus making 26 States which have given statutory protection of this privilege for some or all workers of the State.[3]

Several States adopted laws to facilitate absentee voting, particularly by members of the armed forces. As an aid in keeping its list of voters correct, Connecticut passed a law providing that citizens, other than those in the armed forces, who have not voted for 4 years, must file a formal application in order to be retained on the list.

Provision for the Constitutional Government of Puerto Rico. The Territory of Puerto Rico continued during 1951 its progress toward a fuller measure of self-government. Pursuant to an act of the Congress approved on July 3, 1950,[4] which provided that the people of Puerto Rico might reorganize their Government under a new constitution to be drafted by them, a referendum was held in Puerto Rico on June 4, 1951, on the question of accepting or rejecting this proposed procedure. By a vote of 387,016 to 119,169, the Puerto Rican voters accepted the invitation to draft a constitution.[5] On August 27, 1951, a date set by the Puerto Rican Legislature, an election was held for delegates to the Constitutional Convention and the Convention began its meetings on September 17, 1951.

LIFE, LIBERTY, AND SECURITY OF PERSON

The fifth and fourteenth amendments to the Federal Constitution provide that no person shall be deprived by governmental authority of life, liberty, or property without due process of law.

The U.S. Supreme Court held that a special State police officer who, in his official capacity, by use of force and violence, obtained a confession from a person suspected of crime, was guilty of violating a Federal statute (18 U.S. Code 242) which makes it a crime for any person, under pretense of law, to deprive any other person of a right, privilege, or immunity secured or protected by the Constitution and laws of the United States. The constitutional right held to have been violated in this case was the right, guaranteed by the fourteenth amendment, not to be deprived of life or liberty without due process of law.[6]

[3] Details of the provisions of these laws may be found in *Time Off For Voting Under State Law*, U.S. Department of Labor Bulletin No. 138, revised (Washington, 1952).

[4] 64 *Stat.* 319.

[5] See BULLETIN of Nov. 10, 1952, p. 758, for an analysis of human rights provisions in the Puerto Rican Constitution.

[6] *Williams* v. *United States*, 341 U.S. 97 (1951).

EQUAL PROTECTION OF THE LAW

The fourteenth amendment to the Federal Constitution provides that no State shall deny any person the equal protection of the laws.

In the case of *Dowd* v. *Cook*[7] the defendant was convicted of murder in a State court, sentenced to life imprisonment, and immediately confined in a State prison. The prison warden, however, acting pursuant to then existing prison rules, prevented the defendant from filing appeal papers with the State Supreme Court. The Supreme Court of the United States held, in a habeas corpus proceeding brought in a Federal court, that the warden's suppression of the appeal papers was a violation of the provision of the fourteenth amendment of the Constitution of the United States that "No State shall . . . deny to any person within its jurisdiction the equal protection of the laws." The court held, further, that in the circumstances of the case, nothing short of an actual appellate determination of the merits of the conviction could cure the original denial of equal protection of the law and ordered the district court to enter an order allowing the State a reasonable time in which to afford the convicted man the full appellate review he would have received but for the suppression of his papers, failing which he should be discharged.

FREEDOM FROM UNREASONABLE SEARCH AND SEIZURE

The fourth amendment of the Constitution, which curbs abuses of authority by Federal officers, provides that:

> The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

In the case of the *United States* v. *Jeffers*[8] the Supreme Court held that where Federal police officers, acting without a warrant to search or arrest, but with reason to believe that a suspect had narcotics unlawfully concealed there, entered an apartment belonging to other persons, and seized narcotics claimed by the suspect, the search and seizure were not incidental to a valid arrest and hence were in violation of the fourth amendment of the Federal Constitution, in the absence of exceptional circumstances to justify their being made without a warrant.

FAIR TRIAL

The Constitution of the United States contains numerous safeguards with respect to a fair trial, including guarantees of the right to protection against the requirement of excessive bail, compulsory self-incrimination, and double jeopardy, and

[7] 340 U.S. 206 (1951).

[8] 342 U.S. 48 (1951).

protection of the right in criminal cases to a speedy and public trial before an impartial jury, with confrontation of opposing witnesses and assistance of counsel.

Excessive Bail. In *Stack* v. *Boyle* [9] the Supreme Court held that bail set before trial of a defendant in a Federal court at a figure higher than an amount reasonably calculated to assure his presence at the trial violates the eighth amendment to the Constitution of the United States, which provides that "excessive bail shall not be required."

Counsel to Be Afforded. Another decision of the Supreme Court held that the due process-of-law clause of the fourteenth amendment to the Constitution requires a State to afford the defendant assistance of counsel in a noncapital criminal case when there are special circumstances showing that without a lawyer the defendant could not have an adequate and fair defense.[10]

Jury Selection. In a case [11] involving the conviction of two Florida Negroes for rape, the Supreme Court unanimously reversed a judgment of the Supreme Court of Florida affirming the conviction because the method of jury selection had excluded Negroes from both the grand jury and the trial jury. Two justices also considered that the conviction should have been reversed on the ground that a fair trial had been made impossible because of the circulation of newspaper and radio reports of alleged confessions by the defendants, which confessions had not been presented in the course of the trial.

Laws permitting women to serve on juries were enacted in 1951 in three States—New Mexico, Oklahoma, and Tennessee. At the end of the year, there were only six States and two Territories in which women were not eligible for jury service: Alabama, Georgia, Mississippi, South Carolina, Texas, West Virginia, Hawaii, and Puerto Rico.

Self-incrimination. Two cases decided by the Supreme Court gave expanded significance to the right of protection against self-incrimination. In the case of *Blau* v. *United States* [12] the court upheld the right of a witness before a Federal grand jury to refuse to answer questions concerning her activities and records of the Communist Party on the ground that to answer such questions might result in self-incrimination and would be contrary to the provisions of the fifth amendment to the Constitution of the United States that: "No person . . . shall be compelled in any criminal case to be a witness against himself."

In the other case [13] the court held that the privilege against self-incrimination guaranteed by the fifth amendment extends not only to answers that would in themselves support a conviction under a Federal statute but also to those which would furnish a link in the chain of evidence needed to prosecute the individual being questioned for a Federal crime. The court stated that to sustain the privilege, it need only be evident from the implications of the question, in the particular factual setting in which it is asked, that a responsive answer to the question or an explanation of why it cannot be answered, might be dangerous because an injurious disclosure could result.

[9] 342 U.S. 1 (1951).
[10] *Palmer* v. *Ashe*, 342 U.S. 134 (1951).
[11] *Shepherd* v. *Florida*, 341 U. S. 50 (1951).
[12] 340 U. S. 332 (1951).
[13] *Hoffman* v. *United States*, 341 U.S. 479 (1951).

GRANT OF ASYLUM

During 1951, as in previous years, the Congress enacted legislation, in the form of private laws, to provide asylum in the United States for various individuals who might otherwise be required to leave the country.[14]

Entry of additional displaced persons into the United States was facilitated by a law [15] which extended until December 31, 1951, the termination date for the issuance of visas for eligible displaced persons, and which extended until June 30, 1952, the terminal date of the period during which 5,000 nonquota visas could be issued to eligible displaced persons.

RIGHT TO OWN PROPERTY

The Federal Constitution protects persons from being deprived of life, liberty, or property, without due process of law, and this right has been affirmed on numerous occasions. Protection of the right of ownership in property was again upheld in the courts when the Supreme Court decided in *United States* v. *Pewee Coal Company* [16] that the temporary seizure and operation by the Government of a coal mine, in order to avert a Nationwide strike of coal miners, resulted in a "taking" of property entitling the mine owner to recover compensation under the fifth amendment of the U.S. Constitution, which provides that "private property [shall not] be taken for public use, without just compensation."

FREEDOM OF RELIGION

Freedom of religious worship has been among the most carefully guarded of all the rights enjoyed by the individual in the United States and has been repeatedly confirmed by the courts.

The most noteworthy case decided by the Supreme Court in 1951 in which the right of freedom of religion was upheld was that of *Niemotko* v. *Maryland*.[17] In this case the appellants' applica-

[14] For example, Private Law 30, 82d Cong., 1st sess., approved May 14, 1951.
[15] Public Law 60, 82d Cong., 1st sess., approved June 28, 1951.
[16] 341 U.S. 114 (1951).
[17] 340 U.S. 268 (1951).

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tions to a city council for permits to use a city park for Bible talks was denied, for no apparent reason except the council's dislike for appellants and disagreement with their views. Appellants were convicted in a local Maryland court of disorderly conduct for attempting to hold public meetings and make speeches in the park without having secured permits. There was no evidence of disorder or threat of violence or riot, and it was shown that permits customarily had been granted other organizations for similar purposes. The court held that appellants were denied equal protection of the laws, in the exercise of freedom of speech and religion, contrary to the fourteenth amendment and reversed the convictions.

FREEDOM OF SPEECH AND EXPRESSION

Several important issues involving constitutional guarantees of freedom of speech and expression were decided by the U. S. Supreme Court.

In the case of *Feiner* v. *New York*[18] the petitioner had made an inflammatory speech on a city street. The crowd blocked the sidewalk and overflowed into the street. Its feelings were rising, and there was at least one threat of violence. In order to prevent such violence, police officers thrice unsuccessfully requested the petitioner to stop speaking. After his third refusal, and after he had been speaking over 30 minutes, he was arrested and later convicted of incitement of a breach of the peace. The court sustained the conviction against the claim that it violated the petitioner's right of free speech under the fourteenth amendment. The court emphasized that the police cannot be used as an instrument for the suppression of unpopular views but that when a speaker passes the bounds of argument or persuasion and undertakes incitement to riot, the police are not powerless to prevent a breach of the peace.

In the case of *Kunz* v. *New York*[19] the Supreme Court held invalid a New York City ordinance which required police permits for religious meetings on city streets. The Court's ruling reversed the conviction of the Rev. Carl Jacob Kunz, who had been arrested and fined 10 dollars for preaching without a permit in 1948. In this case the court held that the ordinance, because it did not contain appropriate standards for administrative action and gave an administrative official discretionary power to control in advance the right of citizens to speak on religious matters on the city streets, was invalid under the fourteenth amendment.

In a case arising out of questioning of a witness by the California Legislature's Committee on Un-American Activities,[20] the Supreme Court held that the privilege of legislators to be free from arrest or civil process for what they do or say in legislative proceedings has been carefully preserved in the formation of State and National Governments, and that in order to find that a legislative committee's investigation has exceeded the bound of legislative power, it must be made plain that there was a usurpation of functions exclusively vested in the judicial or executive branches of Government.

In the case of *Breard* v. *Alexandria*[21] it was determined that rights of salesmen to go on private property are not unlimited and must be weighed against the right of privacy of the property owners. In this case the court upheld the constitutionality of a municipal ordinance forbidding the practice of going from door to door for the purpose of soliciting orders for the sale of goods, without prior consent of the owners or occupants. The court rejected the claim that such an ordinance offends the provision of the fourteenth amendment that no person shall be deprived of property without due process of law. The court also held that such an ordinance does not abridge the freedom of speech and press guaranteed by the first and fourteenth amendments since these constitutional rights have never been treated as absolutes and that it would be a misuse of the great guarantees of free speech and free press to use them to force a community to admit the sellers of publications to the home premises of its residents.

In *Dennis* v. *United States*[22] the Supreme Court on June 4, 1951, upheld the constitutionality of the provision of the Alien Registration Act of 1940 (Smith Act) which makes it a crime for any person knowingly or willfully to advocate the overthrow or destruction of the Government of the United States by force or violence, to organize or help to organize any group which does so, or to conspire to do so. The defendants in this case were the 11 leaders of the Communist Party of the United States, who were found by the jury to have willfully and knowingly conspired to organize the Communist Party as a conspiratorial organization intended to overthrow the Government by force and violence "as speedily as circumstances would permit."

An important action in defense of the freedom of communication of ideas was taken by the Federal Communications Commission when it announced that it would enforce strictly the law forbidding radio broadcasting stations to censor speeches by political candidates and that even if the speech is libelous the station must not interfere.[23]

Several State legislatures enacted legislation against subversive organizations or activities.

[18] 340 U.S. 315 (1951).
[19] 340 U.S. 290 (1951).
[20] *Tenney* v. *Brandhove*, 341 U.S. 367 (1951).
[21] 341 U.S. 622 (1951).
[22] 341 U.S. 494 (1951).
[23] Federal Communications Commission File No. BR–449, "In the Matter of the Application of WDSU Broadcasting Corporation, New Orleans, Louisiana for Renewal of License."

By a Massachusetts law, any person who is a member of an organization attempting to overthrow the Government by unconstitutional means and who remains a member of it knowing it to be subversive may be fined and imprisoned. Laws against subversive organizations were also passed in Indiana, Michigan, and New Hampshire. The Indiana law provided mandatory terms of imprisonment for membership in subversive organizations, while in Michigan it was made a felony to conceal knowledge of subversive acts.

ACCESS TO PUBLIC SERVICES

Service in Armed Forces. The principle of equality of treatment and opportunity for all persons in the armed forces without regard to race, color, religion, or national origin was established by an Executive order of the President of July 26, 1948.[24] The order provided that this policy should be put into effect as rapidly as possible, having due regard to the time required to effectuate any necessary changes without impairing efficiency or morale.

The integration of racial groups in the armed services intended by this order has been completed in the Navy and the Air Force. In the Army changes are still in progress to complete compliance with the order. Thus in March 1951, the Department of Defense announced that racial segregation had been ended at the Fort Dix, N. J., reception center and shortly thereafter it was announced that the Army now has complete integration at all of its training centers, although segregation still prevails in some combat units. In an announcement of July 26, 1951, the Department of Defense announced that steps were being taken by the Army to carry to completion the integration of Negro personnel, already in progress, in all combat units of the Far East Command.[25] The integration was to be phased over a period of approximately 6 months. A similar integration program was to be applied to service units.

An extensive historical study of race relations and the process of integration in the U.S. Navy was published during the year 1951 by one of the first Negroes to serve as an officer in the Regular Navy, Lt. Dennis D. Nelson, under the title *The Integration of the Negro into the United States Navy.*[26] While this is not an official history, the author was given full access to official documents and records and such materials were used with full authority. This work showed that the former concentration of Negro personnel in the steward's branch was being eliminated and that nearly half of Negro personnel were in other assignments.

[24] Executive Order 9981, 13 *Fed. Reg.* 4313.
[25] Department of Defense press release 997–51, July 26, 1951.
[26] Dennis D. Nelson, *The Integration of the Negro into the United States Navy* (New York, Farrar, Straus, and Young, 1951).

Appointment and Election to Public Office. Candidacy for election to public office is open to those persons who can fulfill the legal requirements for officeholding, while appointment to positions in the Federal and State Government service is open to those who can meet the qualifications for a particular post. Among the qualifications for certain positions involving responsibility for the security of the Government is assurance that the appointee is in fact loyal.

The legislature of Pennsylvania passed a loyalty bill affecting teachers and other State and local government employees. The law provides for the removal of such employees when charged with specific instances of subversive activity with the charges backed up by a "fair preponderance of evidence," while employment may be refused to persons in whose cases there is "reasonable doubt" of loyalty. An appeal mechanism, with appeal to the courts, was also set up.

Efforts by States and municipalities to prevent members of subversive organizations actively seeking the overthrow of constitutional government from becoming candidates for public office or from serving as public employees were upheld by the Supreme Court. In *Gerende* v. *Board of Supervisors of Elections of Baltimore*[27] the Supreme Court held that a State could constitutionally require that in order for a candidate for public office to obtain a place on the ballot he must take an oath that he is not engaged "in one way or another in the attempt to overthrow the Government by force or violence," and that he is not knowingly a member of an organization engaged in such an attempt.

Economic, Social, and Cultural Rights

The expansion of the economic, social, and cultural rights enjoyed by the individual appears most clearly through the listing and enumeration of the new provisions made by law or regulation in each of these fields. The year 1951 was especially marked by large increases in the number of persons covered by the social-security program, steady improvement in the provisions of the unemployment-insurance laws, further progress toward nondiscrimination in employment, large provision for improved housing, an all-time high in elementary and secondary school enrollment, and increased cultural interchange between the American people and those of foreign countries.

SOCIAL SECURITY

The basic social-security program of the United States is intended to provide economic security to elderly and retired workers or to surviving families by means of an old-age and survivors' insur-

[27] 341, U. S. 56,923 (1951).

ance system. The number of persons covered by this program were largely increased by amendments to the Social Security Act, which were adopted in 1950 and became effective January 1, 1951.[28]

Steps were taken through amendments to the Railroad Retirement Act in Public Law 234, approved Oct. 30, 1951, to effect still more complete coverage of retired workers. These amendments increased benefits and included provisions for transferring to the old-age and survivors' insurance (social-security) program the wage credits of individuals who die or retire with less than 10 years of railroad service. These workers or their survivors may thus receive old-age and survivors' insurance benefits. The bill also included provisions relating to financial interchange and benefit interrelationships between the two programs.

State legislation also affected the coverage of the old-age and survivors' insurance program. The 1950 Social Security Act amendments had provided for the extension of coverage to State and local governmental employees (other than those in positions already covered by retirement systems) through voluntary agreements between the State and the Federal Security Administrator. By the end of 1950, three States (Arkansas, Idaho, and Oklahoma) had already effected such agreements and four others (California, South Dakota, Washington, and West Virginia) had passed enabling legislation. During 1951 agreements were effected by the four which had passed their enabling legislation in 1950 and by an additional 24 States and Territories (Alabama, Alaska, Arizona, Colorado, Delaware, Florida, Indiana, Kansas, Kentucky, Maine, Maryland, Michigan, Missouri, Nebraska, New Hampshire, North Carolina, Oregon, Rhode Island, Tennessee, Texas, Utah, Vermont, Wisconsin, and Wyoming). By the end of 1951, there were six other States (Connecticut, Georgia, Illinois, New Jersey, Massachusetts, and South Carolina) which had enacted enabling legislation but had not yet effected coverage agreements.

Much of the public-assistance legislation enacted by the States during the 1951 legislative sessions was designed to implement other amendments to the Social Security Act adopted in 1950. In 16 States legislation enacted in 1951 established programs of assistance to persons who are permanently and totally disabled. Some additional States had taken the necessary action in legislative sessions called late in 1950; in others the legislative authority already placed in the State Welfare Department was sufficiently broad to permit them to benefit from the new Federal grants for disability assistance. Thus, by the end of 1951, a total of 36 jurisdictions were making payments under approved plans for aid to the permanently and totally disabled.

A few States enacted special legislation to broaden the program for aid to dependent children by providing for the consideration of the needs of the parents or other adult relatives caring for the dependent child; other States took advantage of the new provisions in the Federal Act without enacting additional legislation. A number of States raised the statutory maximum payment for one or more of the assistance programs. In 1951, 29 States enacted legislation relating to income exemptions for aid to the blind to comply with the 1950 amendments to the Federal Act. Under the impetus of these same amendments, 17 States enacted legislation to provide for assistance payments to patients in public medical institutions, and several adopted special legislation taking advantage of a new provision to aid payments for medical services. A few States took legislative action in connection with a Federal provision in the Revenue Act of 1951 (Public Law 183, approved October 20) providing that Federal aid may not be withheld because the State makes its welfare records available to public inspection. Various provisions enacted by the States in 1951 were designed to establish the responsibility of relatives for persons receiving public assistance.

UNEMPLOYMENT INSURANCE AND WORKMEN'S COMPENSATION

Each State has its own unemployment-insurance law and operates its own unemployment-insurance system with cooperation and grants of funds from the Federal Government.

Almost 35 million workers in industry and commerce were employed in jobs covered by the Federal-State system of unemployment insurance in 1951. Such laws are in effect in the 48 States, the District of Columbia, Alaska, and Hawaii, and a special Federal system covers railroad workers. Workers in agriculture, domestic service, public service, and nonprofit organizations are generally not covered. In one-third of the States, all workers in covered industries are protected; in the other States, workers in smaller firms are excluded.

Benefits are provided by the States under varying conditions. In 1951, 22 States increased their maximum weekly payments and 8 States increased the maximum potential duration of benefits. This emphasis on the size of the weekly payments rather than the period during which payments are made resulted from the continued rise in wages and in the cost of living and the expectation of continued high-level employment during the next few years.

The 1951 sessions of the State Legislatures (Alaska, New York, North Carolina, Pennsylvania, Washington, and Wisconsin) saw the first 30-dollar basic maximum weekly benefit and the elimination of the last maximum benefit under

[28] These amendments have been summarized in the report on *Human Rights in the United States in 1950*. See BULLETIN of Dec. 31, 1951, p. 1072.

20 dollars. After the 1951 amendments, 15 States with 55 percent of the covered workers in the country had a maximum basic weekly benefit of 26 dollars to 30 dollars and 18 States with a quarter of the covered workers had a maximum of 25 dollars.

Of the eight States which increased maximum duration of benefits, five extended duration to 26 weeks, two to 24 weeks, and one to 22 weeks. Thus it became possible in 1951 for claimants in 18 States to qualify for benefits for 26 weeks and for up to 23 weeks in more than one-half of the States.

Colorado increased the weekly benefit by 26 percent and potential duration of benefits to a uniform 26 weeks for claimants who had had wages in excess of 1,000 dollars in each of 5 consecutive years and had drawn no benefits during the period.

Basic maximum benefits in a benefit year, not including dependents or other allowances, ranged from 240 dollars to 689 dollars in 1950; largely because of changes in maximum weekly benefits, the range after the 1951 amendments were enacted is from 240 dollars in Arizona to 795 dollars in Wisconsin. The laws of 10 States with approximately 40 percent of the covered workers now provide for basic maximum annual benefits of 700 dollars or more, while the basic maximum benefits were between 500 dollars and 700 dollars in 25 additional States with another 40 percent of the covered workers.

Disability benefits are payable for nonoccupational disabilities to workers covered by railroad unemployment insurance and by four States.

California increased the maximum weekly benefit for temporary disability insurance from 25 dollars to 30 dollars, allowed receipt of hospital benefits while claimants are receiving remuneration from an employer, and exempted from contribution and benefits individuals who belong to a religious sect that depends upon prayer for healing.

Workmen's Compensation. Benefits to injured workers, which are provided throughout the United States, were increased in 34 States and Hawaii. Benefits for temporary total injury, the most common type of injury, were raised in 28 States and Hawaii. An increase of 20 percent or more in maximum weekly benefits was voted in eight States. An Illinois amendment provided that 75 percent of the weekly wages might be paid as benefits for temporary total disability and as high as 97½ percent may be paid for workers having three or more dependent children. Maximum weekly benefits of 30 dollars or more (including allowances for dependents) are now provided in more than half of the States.

Death benefits were raised in 28 States and Hawaii. For example, maximum total benefits were raised from 8,400 dollars to 9,200 dollars in Alabama; from 7,500 dollars to 10,000 dollars in Maryland; and from 6,000 dollars to 8,000 dollars in North Carolina. In Oklahoma, death benefits were provided under the act for the first time, the maximum amount being set at 13,500 dollars.

Benefits payable for medical aid were increased in seven States; provision was made in seven States and Hawaii for additional appliances to be furnished the disabled worker; and benefits for burial expenses were increased in six States.

Coverage for occupational diseases was introduced in Alabama and Vermont and extended in several other States. Altogether 25 States, Alaska, Hawaii, and the District of Columbia now provide full coverage of occupational diseases, while 18 others and Puerto Rico cover specified diseases.

Rehabilitation services for the injured worker were provided in the workmen's compensation laws of Missouri and Puerto Rico, in addition to the 18 States with laws already containing specific rehabilitation provisions; and such services were improved or benefits increased in North Dakota, Ohio, and Utah.

JUST AND FAVORABLE CONDITIONS OF WORK

Migratory Workers. The conditions surrounding migratory workers had been the subject of study by a special Commission on Migratory Workers, appointed by President Truman in 1950 to inquire into the social, economic, health, and educational conditions among migratory workers, both alien and domestic, in the United States. In March 1951, the Commission issued a report of findings and recommendations growing out of public hearings held throughout the United States in 1950. The report included recommendations for legislative action on both the Federal and State levels.

Congress enacted a law dealing with migratory labor,[29] which authorized the Secretary of Labor, upon certification by the Secretary of Agriculture that such workers are needed, to recruit farm laborers in Mexico, transport them to the United States, provide them with necessary subsistence while en route, as well as emergency medical care, and guarantee that employers will comply with the terms of the individual work contracts with the laborers. An agreement was made with the Mexican Government (see Part II below) covering rights under contracts to be enjoyed by Mexican agricultural workers in the United States.

Several States enacted in 1951 laws designed to improve the condition of migratory workers. California enacted a law regulating farm-labor contractors, under which persons who recruit farm laborers are required to be licensed and bonded, and providing for refusal or revocation of a license by the Labor Commissioner for failure to comply with specific requirements set up by the law to protect the workers who are recruited.

[29] Public Law 78, approved July 12, 1951.

In Minnesota, the State Board of Health was specifically authorized to make sanitary regulations relating to migrant-labor camps, in addition to its previous authority to make such regulations for lumbering and industrial camps. Wisconsin also enacted legislation under which all industrial camps must be registered with the State Board of Health and must obtain annual certificates which may be revoked if the camp does not comply with regulations issued by the Board.

Industrial Safety. A number of laws were enacted in 1951 to provide safe work places and working methods. The authority of a State agency to draw up industrial safety regulations was increased or strengthened in Montana, Michigan, Tennessee, and Washington. More specific provisions for the detection and prevention of hazardous conditions included: a Massachusetts law prohibiting the removal of safety guards on machinery having movable parts unless the machinery has been shut down for repairs; in California, an increase from 10 dollars to 25 dollars in the minimum fine for failure to report an accident; in Oregon, specific authority for the State Industrial Accident Commission to post a notice of any violation of a law or rule requiring a safety appliance, device, or safeguard, the notice not to be removed until the employer has complied.

Minimum Wage. A minimum wage, applicable to workers engaged in interstate commerce or in the production of goods for interstate commerce, was established by the Federal Fair Labor Standards Act of 1938.[30] In January 1950, amendments [31] strengthening the provisions of this Act came into force. These amendments raised the legal minimum wage of all workers in interstate commerce from 40 to 75 cents an hour, improved the enforcement provisions, and clarified and modified the overtime provision and the exemptions. The basic protection of this minimum wage applies to about 21 million employees, constituting more than half of all employees in the United States other than those working for Government agencies. During the year marked progress was made in putting these important changes in the law into effect. Wage rates below 75 cents were permitted, under circumscribed conditions, for handicapped workers, for apprentices, for learners in occupations which require training periods, and for workers in certain industries in Puerto Rico and the Virgin Islands. The wage orders applicable to industries in these two areas are reviewed periodically in order to achieve the statutory objective of the 75-cent minimum wage as rapidly as economically feasible.

The year 1951 saw an increase in the subminimum rates for learners in a number of industries. The general direction of these revisions was toward the establishment of a 65-cent hourly base for learners' rates, as compared with the 55-cent and 60-cent level which prevailed generally during 1950. New rates were set in the hosiery industry, the cotton-garment industry, and in a number of others.

Under the Walsh-Healey Act,[32] two new wage determinations were issued by the Secretary of Labor in 1951, and proceedings on several others were nearing completion. This is the Federal law which requires that at least the minimum wage prevailing in an industry be paid in the execution of Government contracts for materials, supplies, and equipment, exceeding 10,000 dollars in value. The new wage determinations covered the Chemical and Related Products Industry and the Dental Goods and Equipment Manufacturing Industry. These were in addition to the rates already set in some 40 industries, many of which have been the subject of more than one determination. In most important industries in which no wage determination has been made, employment is generally covered by the 75-cent hourly minimum under the Fair Labor Standards Act.

State minimum-wage laws, designed to assure the workers covered by them at least a minimum adequate standard of living, are in effect in 26 States. Three States strengthened their laws during 1951. Most laws apply only to women and minors but in five States—Connecticut, Massachusetts, New Hampshire, New York, and Rhode Island—they apply also to adult men workers. In Connecticut the minimum-wage law of that State, applying to men, women, and minors, was amended to establish the same statutory minimum-wage rate as is fixed by the Federal Fair Labor Standards Act—namely, 75 cents an hour. The Act also deleted the provision allowing the wage board to differentiate between male, female, and minor employees in recommending minimum-wage rates.

During the year 1951, 26 wage orders improving wage rates and working conditions were issued in the District of Columbia, Puerto Rico, and 11 States—Colorado, Connecticut, Kentucky, Massachusetts, New York, North Dakota, Oregon, Rhode Island, Utah, Washington, and Wisconsin. Of these, seven orders in four States established a basic minimum wage of 75 cents an hour, the minimum currently in effect under the Federal Fair Labor Standards Act for workers in interstate commerce. In a number of States, other wage orders were in process of revision at the end of the year.

Women Workers. All but four States have laws regulating the hours of employment of women. In 1951 New York made permanent the provision permitting women over 21 to be employed until midnight in mercantile establishments and also passed bills removing certain prohibitions on

[30] 52 *Stat.* 1060.
[31] 63 *Stat.* 910.
[32] 49 *Stat.* 2036.

employment of women at night by permitting women to work in factory-operated restaurants in the previously restricted period between midnight and 6 a. m. and permitting them to work in other restaurants after midnight with the consent of the State Industrial Commissioner. Indiana suspended the operation of its night-work law covering manufacturing establishments for a 10-year period ending March 15, 1961. A number of States enacted laws to permit relaxation of hour standards for women during the national defense emergency under specific conditions.

The Massachusetts Legislature approved a bill to tighten the provisions of its law on equal pay for women. Maine enacted a teachers' equal pay law. At the end of the year, 12 States and Alaska had equal-pay laws in effect for women in private employment, while 16 States and the District of Columbia had equal-pay laws for teachers.

Right to Strike. The U.S. Supreme Court in 1951 upheld the right of workers to strike in a decision which held invalid a Wisconsin State law outlawing the right to strike in the case of failure of bargaining negotiations where the employer involved furnished essential public-utility service.[33] The Supreme Court held that the law was in conflict with Federal law in that it prohibited the exercise of rights guaranteed by Federal labor legislation.

Nondiscrimination in Employment. Under an Executive order in February 1951 by which President Truman authorized the Departments of Defense and Commerce to let defense contracts,[34] he directed that there should be no discrimination in connection with the letting of such contracts against any person on the ground of race, creed, color, or national origin, and that all contracts let under these conditions should contain a provision that the contractor and any subcontractor thereunder should not so discriminate.

In December 1951 President Truman issued an Executive order[35] establishing a Committee on Government Contract Compliance, the purpose of which was to secure better compliance by contractors and subcontractors with provisions in their contracts with the U. S. Government obligating them to practice nondiscrimination in the performance of their contracts. These provisions specifically forbade discrimination because of race, creed, color, or national origin and extended to subcontracts as well as to original contracts. They had not, however, been secured by any system of uniform regulation or inspection common to all the contracting agencies of the Federal Government and widely understood by the contractors and their employees. The Executive order was intended to correct this deficiency. It placed the primary responsibility for securing compliance with the nondiscriminatory provisions with the head of the agency of the Federal Government letting each contract. The Committee appointed under the order was expected to examine and study the compliance procedures in use and to recommend changes that would strengthen them. It was to be composed of five members representing Government agencies and six other members designated by the President. President Truman in issuing the order expressed the view that in fulfilling a contract with the Federal Government a contractor should follow the national policy of equal treatment and opportunity.

Colorado in 1951 enacted a fair-employment-practices law providing for an educational approach to problems of discrimination in private employment because of race, creed, color, and national origin, or ancestry. In signing the law, Gov. Dan Thornton called the act "a forward step in human relations" and reaffirmed "Colorado's belife in equal rights for all." In the city of Denver, Colo., the City Council approved an ordinance establishing a permanent Commission on Human Relations, succeeding previous committees appointed by the mayor. The purpose is to eliminate bias in employment of city and county workers and in providing city services to the public.

The action of Colorado makes three States that have the educational type of fair-employment-practices law for private employment—Colorado, Indiana, and Wisconsin. Eight States—Connecticut, Massachusetts, New Jersey, New Mexico, New York, Oregon, Rhode Island, and Washington—have acts under which authority is provided to enforce the ban on specified practices of discrimination. In 1951 the New Jersey antidiscrimination law was amended by adding a prohibition against discrimination because of liability for military service; and a California law prohibited discrimination in the acceptance of apprentices on public works on the ground of race, creed, or color.

The New Jersey Constitution of 1948 provided for municipal or local committees on civil rights in each of the townships. By 1951, 17 such local public intergroup-relations agencies existed in New Jersey.

New Jersey has a Division Against Discrimination in the State Department of Education, with a budget of 65 thousand dollars and 12 employees. It is under the Commissioner of Education and the Assistant Commissioner of Education is director of the Division Against Discrimination.

Besides the 11 States having fair-employment laws, local ordinances regarding fair-employment practices were in effect in some 20 cities, including Phoenix, Ariz.; Chicago, Ill.; Sioux City, Iowa; Akron, Cincinnati, Cleveland, and Youngstown,

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[33] *Amalgamated Association of Street, Electric Railway, and Motor Coach Employees, Division 998* v. *Wisconsin Employment Relations Board*, 340 U.S. 383 (1951).

[34] Executive Order No. 10201, 16 *Fed. Reg.* 1049. The directive was extended on Oct. 31, 1951, to cover contract letting by the Department of the Interior, by Executive Order No. 10298, 16 *Fed. Reg.* 11135.

[35] 16 *Fed. Reg.* 12303.

Ohio; and Philadelphia, Pa. Eight of these ordinances were adopted during 1951. In Philadelphia the new city charter created a Commission on Human Relations which would take over the duties of the municipal Fair Employment Practices Commission, created by an ordinance in 1948. By the end of 1951, fair-employment-practices legislation existed in States or cities which held 32.5 percent of the Nation's population.

HOUSING AND PUBLIC ACCOMMODATION

Housing Legislation. Basic Federal legislation intended to furnish assistance in providing suitable housing dates from before World War II. The Housing Act of 1949 [36] provided aid in the housing of low-income families and for slum clearance and urban redevelopment. The 1949 Act set forth the goal of the U.S. housing program as a decent home and a suitable living environment for every American family. The Housing Act of 1950 [37] authorized more liberal financial assistance for construction of low-cost houses through the mortgage-insurance program.

Much of the Federal legislation affecting housing enacted in 1951 had as its purpose assistance in the provision of housing and community facilities essential for workers in areas which had become critical housing areas as a result of defense activities. Public Law 139,[38] approved Sept. 1, 1951, contained provisions to assure that private enterprise would be afforded full opportunity to provide the housing needed and set up a liberal mortgage-insurance program to assist private enterprise in such undertakings, such assistance to be available in critical areas for a period of not less than 90 days before the Federal Government would construct any permanent housing in such an area. The Federal Government was to construct only such necessary housing as private builders did not within the 90-day period indicate they would provide. The President was authorized to provide essential community facilities and services and to make loans and grants to local communities to assist them in providing community facilities and services.

Other laws affecting housing provided an additional 3,875,000 dollars for loans for housing in Alaska and authorized the provision of temporary housing or emergency shelter in the case of major disasters.

Legislation affecting housing was also enacted by over three-fourths of the State and territorial legislatures in session during 1951.

Laws regarding housing authorities in Georgia, Hawaii, Nevada, and Puerto Rico were amended to authorize any housing authority having rural areas within its jurisdiction to undertake the provision of housing for persons of low income within such areas. New York created seven new housing authorities in towns and cities in that State. Georgia, Hawaii, Maine, Minnesota, and Nevada made provision for veterans' preference in admission to low-rent housing projects.

Seven States, making a total of 34 States, four Territories, and the District of Columbia, enacted new legislation authorizing the undertaking of slum clearance and local redevelopment projects by local public agencies.

Nondiscrimination in Housing. A trend toward elimination of discrimination in housing and public accommodation continued in 1951.

The Housing and Home Finance Agency issued a statement of policy designed to eliminate discrimination with respect to families belonging to minority groups displaced in the course of Federally assisted slum clearance operations requiring suitable rehousing arrangements for such families.[39]

Another policy statement required communities planning defense housing to be assisted by the Federal Government to provide fully for incoming defense workers of minority groups. It was also stated that defense housing and community facilities to be provided directly by the Housing and Home Finance Administrator should be available for any eligible worker, with no denial on the basis of race, color, creed, or national origin.[40]

The Public Housing Administration's Low-Rent Housing Manual, in a general statement on racial policy applicable to all low-rent housing projects developed and operated under the Housing Act of 1937, declared that to be eligible for assistance, programs must reflect equitable provision for eligible families of all races in accordance with the volume and urgency of their needs for such housing, and that such housing should be of substantially the same quality, with the same conveniences and facilities.

State and local governmental agencies also took action against discrimination in connection with housing.[41]

A Wisconsin law relating to sale of property for nonpayment of taxes was amended to provide that racial restrictions on the property were not among restrictions surviving a tax sale.

In New York City an ordinance was enacted to bar discrimination in selection of tenants for housing built with city aid. In this ordinance it was declared to be the policy of the city to assure equal opportunity to all residents to live in decent, sani-

[36] 63 *Stat.* 413.
[37] 64 *Stat.* 48.
[38] 65 *Stat.* 293.

[39] This statement of policy appeared in an announcement by the Administrator of the Housing and Home Finance Agency on Nov. 5, 1951. See Housing and Home Finance Agency press release HHFA–OA–241.
[40] Statement by Housing and Home Finance Administrator, Nov. 15, 1951.
[41] For the texts of these provisions, see *Non-discrimination Clauses in Regard to Public Housing and Urban Redevelopment Undertakings* (Washington, Housing and Home Finance Agency, November 1950) and supplements thereto.

tary, and healthful living quarters, regardless of race, color, religion, national origin, or ancestry.

Other cities making statements of policy opposed to discrimination in connection with public housing and urban redevelopment were Cincinnati, Pasco, Wash., Omaha, Nebr., Pontiac, Mich., and Toledo.

In Los Angeles County, the County Board of Supervisors adopted a resolution prohibiting discrimination in the use of any land owned by the county. In the city of Los Angeles the City Council passed an ordinance declaring that all plans for city-assisted redevelopment projects shall contain clauses prohibiting discrimination and segregation in the sale or renting of housing units in these projects.

In the case of *City of Birmingham* v. *Monk* [42] the U.S. Court of Appeals affirmed the ruling of the District Court and held that a city zoning ordinance making it unlawful for Negroes to occupy property for residential purposes in areas zoned as white-residential, and making it unlawful for white persons to occupy property for the same purpose in an area zoned as Negro-residential, violated the fourteenth amendment to the Constitution of the United States which prohibits States from depriving persons of property without due process of law. The Supreme Court of the United States refused to review this decision on May 28, 1951.

Among State and local acts to prevent discrimination in access to and use of places of public accommodation were the repeal by the Maryland Legislature of a law requiring segregation of Negroes on intrastate steamboats and railways, which had long been obsolete except on Chesapeake Bay ferry boats; amendment of a Wisconsin law prohibiting hotels, resorts, or other places of public accommodation or amusement from discrimination on account of race or color, to include prohibition also of discrimination because of creed, national origin, or ancestry, and of discriminatory advertising; and a provision in the newly adopted City Charter in Philadelphia against discrimination in extending the use of city property.

HEALTH

Congress passed several laws in 1951 to improve health services or protection to citizens of the country. Among them was Public Law 139, already mentioned, which assists in the provision of hospital and sanitary facilities in communities affected by defense activities. Under its provisions the Surgeon General of the United States is to administer the portions of the law dealing with health, sewage, and sanitation facilities. The Migratory Farm Labor Act includes provision for emergency medical care for this group of workers. A protective law, an amendment to the Federal Food, Drug, and Cosmetic Act, bars the sale, without prescription, of certain barbiturates, narcotics, and new experimental drugs.

Most significant of State legislation enacted in 1951 were several mental-health laws. During 1951 Idaho and Utah adopted the model State mental-health law which provides for (1) maximum opportunity for prompt medical care; (2) protection against emotionally harmful or degrading treatment; and (3) protection against wrongful confinement and deprivation of rights. The South Carolina Legislature passed a law setting up the South Carolina Mental Health Commission and providing for revision of the mental-health laws. In addition, a 5 million dollar bond issue was initiated to provide for the construction of State mental institutions. The State of Washington enacted a new law regarding psychopathic delinquents; it provides for their release from State hospitals upon correction of personality problems. Individuals thus concerned may become useful members of society without criminal convictions on their records. Also, a law for rehabilitation of mentally handicapped children was passed by the State Legislature. In this same vein, the North Carolina Legislature passed a law which provides for treatment of "mentally dangerous" persons who were charged with crime and found innocent. Other States which enacted mental-health legislation were New Jersey, Vermont, and California.

Legislation recognizing alcoholism as an illness was enacted in several States. As the result of such legislation, boards, divisions or commissions on alcoholism were created in Michigan, Georgia, Minnesota, North Dakota, Rhode Island, and Vermont. In addition, educational programs to combat alcoholism have been provided for in Georgia, Indiana, Maine, North Dakota, and Vermont. The Georgia law provides procedures for committal of alcoholics for treatment and rehabilitation. Florida passed a law for the establishment of a hospital for alcoholics. Thirty-nine States and the District of Columbia have official agencies for medical care, research, and rehabilitation in the field of alcoholism, following the basic principle of regarding alcoholism as a disease rather than viewing its victims as criminals and social misfits.

The chronically ill were also beneficiaries of State legislation in 1951. Minnesota passed a law authorizing its counties to create and maintain nursing homes for the chronically ill and aged person. New Jersey passed legislation providing for State-supervised, county-operated programs of assistance to chronically ill persons.

For the benefit of sufferers from tuberculosis New York's Legislature made a requirement that each county should afford free hospital care for tuberculosis patients, while Delaware provided a bond issue for the improvement of its tuberculosis sanitariums.

[42] 185 F. 2d 859 (1951); 341 U. S. 940 (1951), certiorari denied.

Connecticut passed legislation granting financial aid to a program of nursing education.

General legislation enacted during the year included statutes creating a Department of Health in Arizona and authorizing the creation of city, county, or district public-health departments in Wyoming. The Federal Government and most States already have official agencies responsible for public-health activities.

CHILD WELFARE

Midcentury White House Conference on Children and Youth. The Midcentury White House Conference on Children and Youth held at the end of 1950 constituted one of the high points in work for children in the United States in recent years and was among the largest citizen undertakings in behalf of children in the history of the country. The conference was called by the President and planned by a national committee of citizens appointed by him. It was sponsored on behalf of the Federal Government by the Children's Bureau of the Federal Security Agency, in accordance with its function, as defined in the basic legislation creating it in 1912,[43] to investigate and report on all matters related to child life and to increase opportunity for the full development of all children by promoting their health and social welfare. The U.S. Congress made special appropriations to the Children's Bureau for the conference.

One result of the conference was the creation of a National Midcentury Committee, organized in the spring of 1951. This committee, in collaboration with agencies of the Federal Government, the latter working through the Federal Interdepartmental Committee for Children and Youth, set six program goals as a follow-up of the work of the Midcentury Conference. These goals are:[44]

1. Strengthening family life.
2. Providing opportunities for young people to take part in significant local, State, and national activities.
3. Providing equal opportunities for all children with particular reference to overcoming those conditions which make for discrimination because of race, religion, or national origin.
4. Strengthening spiritual life.
5. Pooling the skills of the experts from different fields to further the total well-being of the child.
6. Encouraging the application and use of tested research knowledge in programs for children and youth.

Prohibition of Child Labor. Prohibition of child labor and regulation of work by young people has been dealt with in the United States in both Federal and State legislation. The basic law, the Federal Fair Labor Standards Act of 1938,[45] set minimum standards for the employment of young people in establishments engaged in producing goods for shipment in interstate commerce. The provisions of this act were strengthened by amendments, which became effective in January 1950,[46] and tightened the prohibitions on child labor. These included a direct instead of an indirect prohibition of the employment of underage children in the production of goods for interstate commerce, a direct prohibition of their employment in interstate commerce, and a provision which permits their employment in agriculture only outside of school hours in the district in which they are working. In 1951 considerable progress was made in implementing these amendments.

Several orders issued under the provisions of the Fair Labor Standards Act came into effect, by which certain occupations were designated as hazardous, in which children less than 18 years of age were forbidden to work. Hazardous Occupations Order No. 9, which became effective in January 1951, applied the act's 18-year minimum age standard for hazardous work to all underground and some surface occupations in all mines other than coal mines, to which an earlier hazardous occupations order applies.

State laws regulating conditions of work for young people were improved in four States during 1951. In New Hampshire the 14-year minimum age standard was made applicable to all occupations except agriculture and domestic service, instead of to specified occupations. Age certificates were required for minors 16 and 17 years of age in Delaware. In California workmen's compensation benefits were increased 50 percent for minors injured while illegally employed. Under an Ohio law the minimum age for employment in a number of hazardous occupations was raised from 16 to 18, and an 18-year minimum was set for additional occupations.

Aid to Handicapped Children. The legislature of Illinois authorized local school boards to establish and maintain special educational facilities for mentally handicapped children. State aid for such programs was to be granted up to a maximum of $250 per child.

In Arizona a program was set up for the education of homebound crippled children, as well as for crippled children in institutions; provision was made for the establishment of a children's colony for handicapped children.

Public Child Welfare Services. Laws were enacted in Delaware and Florida establishing departments of welfare with responsibility for public child-welfare services. New Jersey authorized

[43] 37 *Stat.* 79.

[44] The text of these recommendations may be found in the *Social Security Bulletin* published by the U.S. Federal Security Agency, vol. XIV, No. 2, February 1951, p. 10.

[45] 52 *Stat.* 1060.

[46] 63 *Stat.* 910.

State-wide services and financial aid for children with the proviso that they should be available when and so long as these are not available from a private agency. The Southern Illinois Services Center was established under the Department of Public Welfare to care for children when private and local public services are not available. The State of Washington established a Division of Youth Services within the Department of Institutions to assist in the provision of public services for delinquent children.

EDUCATION

Public education in the United States is a function of the individual States and their subdivisions, rather than of the Federal Government, and educational systems and laws relating to education vary somewhat from State to State. Everywhere, however, public education is free in the elementary and secondary schools. Compulsory education laws differ somewhat from State to State, with school-leaving ages ranging from 14 to 18, but including all elementary schooling. With education thus accessible to all, enrollment in elementary and secondary schools, public and private, in the United States set a new record in 1951 at 29,828,000, while college and university enrollments numbered about 2,500,000.

Enrollments at this record level put a severe strain on the physical facilities of the school system of the country. Extensive use was made during the year of the two important laws passed by Congress during September 1950,[47] which provided for assistance by the U. S. Government in construction of schools in areas affected by Federal activities, and for Federal assistance to schools in such communities for current operating expenses.

Efforts were made to cope with the shortage of teachers, particularly teachers in elementary schools. The average salary of teachers in elementary schools in the United States during 1950–51 was $2,980—a 3.3 percent increase over the preceding year. A ruling by the Wage Stabilization Board gave school authorities the right to raise salaries of teachers at their own discretion, provided the increases did not exceed the 10 percent over January 1950 levels permitted as increases to industrial workers and other segments of the labor force of the country. A California law set a minimum of $3,000 for salaries of public school teachers in that State.

Several States adopted legislation affecting segregation in the schools and for the prevention of discrimination in educational opportunities.

Arizona adopted a law making segregation in the schools optional with local school boards and as a result Tucson and several other cities changed to a nonsegregated school system.

In New York the Fair Educational Practices Act was amended to cover unfair discriminatory practices governing admission to trade and business schools, while an Oregon law made it illegal for vocational, professional, or trade schools to discriminate in admissions on the basis of race or creed. The New Jersey Division Against Discrimination reported that as of December 1950 no cases had come to its attention involving admission policies and practices in postsecondary (higher) schools.

In Illinois discrimination in schools of nursing and of optometry was prohibited by administrative action of the State Department of Registration and Education.

On the other hand, the Georgia Legislature passed a school appropriation bill containing a provision withholding all State funds from the public school and university system, if any court should order the admission of Negroes to institutions heretofore reserved for whites.

In line with the decisions of the U.S. Supreme Court in 1950 on cases involving discrimination in university education, considerable numbers of Negro students were admitted to the graduate schools of several southern State universities.

Vocational Rehabilitation. Vocational rehabilitation of the physically handicapped has been a recognized function of the Federal and State Governments in the United States for more than 30 years. Under Federal law, the Federal Office of Vocational Rehabilitation approves State plans for vocational rehabilitation, grants funds to State agencies, develops standards and assists State agencies in their plans and operations.

In 1951 the legislature of West Virginia amended its laws relating to the vocational rehabilitation of disabled individuals to include provision for the establishment, operation, and maintenance of special centers for the vocational rehabilitation of handicapped persons and of workshops for blind and severely disabled persons. This is the first State legislation of its kind enacted, although the establishment of special centers for rehabilitation of severely disabled individuals has been accelerated throughout the country.

The Montana Legislature passed an act providing for preference to blind or severely disabled persons in securing, through lease, license, or other type of contract, space in State-owned or other public buildings. This action brought to 21 the number of States having such legislation with respect to State-owned or other public buildings.

CULTURAL RIGHTS

The right to participate freely in the cultural life of the community and to enjoy its cultural advantages is exercised in the United States not only by American citizens, but by large numbers of visitors from abroad, who come to this country both as a result of the U.S. Government's program

[47] 64 *Stat.* 967,1100. These laws are summarized in the report on *Human Rights in the United States in 1950.* See BULLETIN of Dec. 31, 1951, p. 1076.

of exchange of persons, and through privately sponsored exchange arrangements, or of their own volition.

The U.S. Government's program of exchange in the field of cultural relations was increased greatly during 1951. This was especially true of the international exchange of persons, by which government grants enable teachers, research scholars, labor leaders, newspaper publishers, editors, and writers to come to the United States for study and research, with provision for travel and observation as desired, while similar grants permit Americans to travel abroad.[48]

International exchange of persons is provided for in several types of programs officially sponsored by the Federal Government.[49] The U.S. Information and Educational Exchange Act (Smith-Mundt Act)[50] provides for a reciprocal exchange of students, trainees, educators, and leaders of thought and opinion between the United States and other participating countries, which vary from year to year. The Fulbright Act[51] authorizes the use of certain foreign currencies and credits acquired through the sale of surplus property abroad for educational exchanges. By 1951, 24 countries had made agreements with the United States to participate in such exchanges. Several programs provided for exchanges of persons between the United States and certain countries or areas. The convention for the Promotion of Inter-American Cultural Relations, popularly known as the Buenos Aires convention,[52] provides for the annual exchange of two graduate students between each of the signatory American Republics. There are specialized programs for exchanges with Germany[53] and Austria.[54] A program of educational exchange with Finland[55] authorizes the use of payments by Finland on her debt to the United States for exchanges of persons and educational materials between the two countries. An Iranian–American trust fund arrangement[56] provides that the amount paid by the Government of Iran in settlement of a claim by the U.S. Government be expended for the education of Iranian students in the United States. A Chinese emergency aid program[57] provides assistance to Chinese students and scholars in the United States. Exchange activities also took place during 1951 under the technical cooperation and economic cooperation programs, consisting generally in bringing foreign nationals to the United States as trainees and in sending U.S. experts abroad to help participating countries with problems related to their economic or technical developments.

Other foreign visitors came to the United States for cultural and educational purposes and Americans traveled abroad under privately sponsored exchange projects, which, however, received Government encouragement and assistance. Some 4,800 persons were exchanged through assistance given to 464 private organizations, fraternal and business groups, educational institutions, and foreign governments. Also, in accordance with the provisions of the U.S. Information and Educational Exchange Act, some 513 exchange visitor programs were designated, by which 17,700 persons were exchanged under Government and private programs.

During 1951 approximately 30,000 foreign students were studying in American colleges and universities.

While only a small percentage of the visitors to the United States for cultural purposes were supported by Government grants, numbers of others were assisted in their visits, in such matters as establishing professional and community contacts, by orientation and service centers for foreign visitors operated by the U.S. Government in New York City, Washington, Miami, New Orleans, and San Francisco. These centers, which served nearly 20,000 foreign visitors in 1951, arrange visits with local civic, business, cultural, religious, and other groups to enable foreign visitors to gain a more accurate picture of America and its way of life than would be otherwise possible.

II. INTERNATIONAL AGREEMENTS

Several international agreements which came into force during 1951 contained important provisions dealing with human rights.

The Charter of the Organization of American States,[58] which had been signed at Bogotá on April 30, 1948, was ratified by the United States during 1951 and came into force December 13, 1951. Its ratification by the U.S. Senate was accompanied by the reservation that "none of its provisions shall be considered as enlarging the powers of the Federal Government of the United States or limiting the powers of the several states of the Federal Union with respect to any matters recognized

[48] Under these plans of exchange more than 7,800 persons were exchanged under programs conducted with 70 countries during the year ending June 30, 1951. Of these, 6,291 were awarded grants to come to the United States, while some 1,528 Americans received grants for similar travel abroad. In addition, grants were awarded to 2,894 Chinese students and scholars to complete their studies in this country.

[49] For additional details on exchange in the field of cultural relations, see the *Seventh* and *Eighth Semiannual Reports of the Secretary of State to Congress on the International Information and Exchange Program, for 1951* (Department of State publications 4401 and 4575).

[50] 62 *Stat.* 6.

[51] 60 *Stat.* 754.

[52] U.S. Treaty Series No. 928, 51 *Stat.* 178.

[53] 64 *Stat.* 198.

[54] 64 *Stat.* 613.

[55] 63 *Stat.* 630.

[56] 64 *Stat.* 1081.

[57] 63 *Stat.* 709, 64 *Stat.* 198.

[58] For text, see Department of State publication 4479. Pertinent clauses of the Charter appear in the *United Nations Yearbook on Human Rights for 1948*, pp. 437–439.

under the Constitution as being within the reserved powers of the several states."

The agreement between the United States and Iceland for the defense of Iceland pursuant to the North Atlantic Treaty, signed on May 5, 1951, was followed by an annex on the status of U.S. personnel and property in Iceland, which was signed on May 8, 1951, and entered into force on that day.[59] The annex contained provisions regarding the rights to fair trial of members of the U.S. forces in Iceland or dependents of members of such forces who might be prosecuted under the jurisdiction of Iceland. It was agreed that such persons should be entitled to a prompt and speedy trial; to be informed in advance of the specific charges made against them; to be confronted with the opposing witnesses; to have compulsory process for obtaining favorable witnesses, if these were within the jurisdiction of Iceland; to defense by a qualified advocate; to have the assistance of a qualified interpreter; and to communicate with a representative of their Government.

A new agreement between the United States and Mexico regarding Mexican agricultural workers employed in the United States was signed and entered into force on August 11, 1951.[60] The agreement dealt with workers who were selected in Mexico under the auspices of the Mexican Government and whose work was carried out in the United States under a standard work contract, which was incorporated into the agreement and the observance of which was to be supervised by representatives of the U.S. and Mexican Governments. The agreement contained in article 8 provides against discrimination against Mexican workers because of their nationality or ancestry. Article 15 regarding wages provided that the employer should pay wages to a Mexican worker at the contracted rate or at a rate not less than the rate prevailing in the area for similar work of domestic agricultural workers, whichever is the greater. By article 35 the U.S. Government agreed to exercise vigilance and influence to the end that Mexican workers might enjoy impartially and expeditiously the rights granted by the laws of the United States.

The standard work contract contained clauses requiring the provision for the Mexican workers of hygienic lodgings, adequate to the climate conditions of the area and not inferior to those ordinarily furnished to domestic workers in the area. The contract contained standard clauses relating to provision of medical care and personal injury compensation, methods of wage payment, and wage standards.

Three agreements were made in 1951 to devote to educational purposes the proceeds in foreign currency arising from disposal of surplus property by the U.S. Government. Such agreements were concluded with Denmark, Iraq, and Japan.[61] The agreements with Denmark and Iraq provided for the creation of the U.S. Educational Foundations in Denmark and Iraq and an exchange of students and teachers, while the Japanese agreement covered the activities of the U.S. Educational Commission in Japan, and an educational exchange program.

Two international agreements came into force which helped to guarantee the right of an author to protection of the moral and material interests resulting from his literary or artistic productions.[62] These were copyright agreements with Finland and Italy, which extended the time for complying with copyright provisions by reason of conditions, such as difficulty of communication, arising out of World War II.

A number of other international agreements concluded during 1951 dealt with cooperation between the United States and other countries under the terms of the Point Four Program for extending technical assistance to underdeveloped areas. This assistance is designed to aid in the advancement of economic and social standards in the underdeveloped regions of the world. This Program was first proposed by President Truman in his inaugural address on January 20, 1949, as the fourth point in a statement on American foreign policy. The act for international development, approved June 5, 1950,[63] gave the Program legislative sanction, while Public Law 165, approved October 10, 1951, authorized continuance of the Program. The United States also contributed to the expanded program of technical assistance administered through the United Nations and the specialized agencies.

Each project for technical assistance administered under the United States program grows out of the requests from a foreign government and is worked out cooperatively through an agreement between the Technical Cooperation Administration and the government of the country concerned, in terms of personnel, equipment, funds, and other contributions to be supplied by each party. Activities under the Point Four Program aim at raising the living standards of the underdeveloped areas by helping to increase food production, stamping out disease, improving schools, developing water and mineral resources, and bettering transportation, housing, public administration, and industry. American technicians go out to work with the technicians and people of other countries on these problems and supply advice and technical skills to further development projects, and qualified persons from these countries are also

[59] For the texts of the agreement and annex, see Department of State publications 4294 and 4351.

[60] For text, see Department of State publication 4435.

[61] For the texts of these agreements, see Department of State publications 4424, 4269, and 4438.

[62] For the texts of these agreements, see Department of State publications 4511 and 4510.

[63] 64 *Stat.* 204.

given additional training opportunities in the United States.

Most of the general agreements for Point Four cooperation with other countries were concluded during 1950 and 1951. By the end of 1951 there were more than 30 such bilateral agreements in force. These general agreements were supplemented by a number of specific agreements covering individual projects, distribution of costs, and despatch of American advisory missions, particularly in the fields of agriculture, health and sanitation, and education. As a result of requests from governments and the agreements resulting therefrom, there were by the end of 1951, 619 American technicians working on over 200 projects in 33 countries.

U.S. Delegations to International Conferences

Regional Association for Africa (WMO)

The Department of State announced on January 15 (press release 28) that the First Session of the Regional Association for Africa of the World Meteorological Organization (WMO) will convene in Tananarive, Madagascar, on January 19. The United States will be represented by an observer delegation, as follows:

Chairman

Arthur W. Johnson, Meteorological Attaché, Geneva

Adviser

Vernon O. Snead, Major, U. S. A. F., Department of Defense

Participants in the forthcoming meeting will discuss technical meteorological questions, technical-assistance projects in Africa, and actions required on the part of members of this Regional Association by resolutions and recommendations of other bodies of WMO.

WMO, established in 1951, is a specialized agency of the United Nations which evolved from the International Meteorological Organization. Its basic objective is to coordinate, standardize, and improve world meteorological activities and to encourage an efficient exchange of meteorological information between countries. The functions of each of the six regional associations of WMO include promotion of the execution in the region of resolutions of the WMO Congress and Executive Committee; coordination of meteorological and associated activities in the region; and making recommendations to the WMO Congress and Executive Committee on matters within the scope of the organization.

Associations have been established by WMO for the regions of Africa, Asia, South America, North and Central America, the Southwest Pacific, and Europe. The membership of each association is determined by the meteorological observation networks lying in or extending into the particular region, but regional association meetings are open to official observers representing any member of WMO.

Population Commission (ECOSOC)

The Department of State announced on January 16 (press release 33) that the U.S. Government will be represented at the seventh session of the Population Commission of the U.N. Economic and Social Council (Ecosoc), scheduled to meet at New York, January 19–30, 1953, by the following delegation:

Acting U.S. Representative

Roy V. Peel, Director, Bureau of the Census, Department of Commerce

Advisers

Dudley Kirk, Division of Functional Intelligence, Department of State

Conrad Taueber, Assistant Director, Bureau of the Census, Department of Commerce

The Population Commission is one of the functional commissions of the Economic and Social Council which were established in 1946, under article 68 of the U.N. Charter, to make studies, prepare reports and other material, and advise the Council with respect to matters within their respective special fields. The specific functions of the Population Commission are to study and advise the Council on population changes and trends, migrations, and any other demographic questions on which U.N. bodies seek advice.

Items to be considered during the forthcoming session include progress reports on projects in the fields of population studies and demographic statistics; report of the first meeting of a preparatory committee for a world conference of experts on population, scheduled to be held in 1954 under U.N. sponsorship in collaboration with the interested specialized agencies and the International Union for the Scientific Study of Population; studies of the interrelationships between population trends and social and economic factors; a proposed program of studies of fertility and mortality; studies and research in migration and draft recommendations for the improvement of migration statistics; questions pertaining to population censuses taken in and around 1950; seminars and training courses in demographic techniques and analysis, to be held as projects of the U.N. Technical Assistance Administration during 1953 and 1954; demographic aspects of the programs of the regional economic commissions; revision of draft recommendations for improvement and standardization of vital statistics; concerted practical action on population questions; and a schedule of priorities for future work of the United Nations in the field of population.

Visa Work of the Department of State and the Foreign Service

CHANGES UNDER THE IMMIGRATION AND NATIONALITY ACT OF JUNE 27, 1952: PART I

by Eliot B. Coulter

The Immigration and Nationality Act was enacted on June 27, 1952, over a Presidential veto, to become effective December 24, 1952.[1] The act, which was based upon a study by congressional committees of the immigration system of the United States, was designed to include in one act the permanent provisions of the immigration laws which Congress considered should be retained and new provisions believed to be desirable.

The act generally removes racial bars to immigration and naturalization. The act eliminates the previous discrimination between the sexes by placing a husband and a wife upon the same basis. The definition of "child" as a member of a family group has been expanded in the act to include a stepchild and a legitimate child, but not an adopted child.

The act modifies the previous list of classes of excludable aliens.

The act provides a more detailed and practical classification of nonimmigrants and immigrants. Preference immigrant status within each immigration quota is provided for needed skilled workers and for certain classes of relatives of U.S. citizens and of alien permanent residents.

The act follows the "national origins" principle, inaugurated in the Immigration Act of 1924, in the determination of the immigration quotas other than those within a newly created Asia-Pacific triangle quota area.

The act provides for the creation within the Department of State of a Bureau of Security and Consular Affairs, under an administrator. The Bureau will include a Passport Office, a Visa Office, and such other offices as the Secretary of State may establish, under separate directors.

[1] Public Law 414, 82d Cong., 2d sess.

Dual System of Examination of Aliens Continued

The act continues the dual system of examination of aliens seeking to enter the United States through the issuance by consular officers abroad of visas to qualified applicants and through the examination by immigration officers at ports of entry of aliens who have obtained visas. This procedure follows the usual international practice. The jurisdiction of the two services does not overlap, but close liaison is maintained to insure a uniform interpretation of the law.

In the operation of the visa system, visa applicants are given appointment dates for a discussion of their cases or are registered on a quota waiting list for later appointment scheduling when their turns are reached.

Applicants are informed of the documents, including a passport, which they should assemble and of the evidence which they should present for the purpose of establishing their proper classification under the law and their eligibility to receive visas.

Consular officers are responsible under the law for the issuance or refusal of visas. The Department of State is responsible for the general supervision of the administration of the act, insofar as the Department of State and the Foreign Service are concerned. The Department of State may instruct consular officers regarding interpretations of the law and may furnish them with advisory opinions concerning other phases of the work. The Department of State may also obtain reports from consular officers in individual visa cases under an informal visa review procedure with a view to determining whether the action taken or contemplated is in accord with the law and regulations.

In the course of a year, consular officers examine several hundreds of thousands of visa applicants, issue visas to aliens who qualify under the law, and refuse visas to those who fail to qualify thereunder. At many posts, officers of the U.S. Public Health Service conduct the medical examination of immigrants and, where deemed necessary, of nonimmigrants. At other posts, where such officers are not available, the medical examinations are conducted by competent local physicians.

The Immigration and Nationality Act of 1952, like the Immigration Act of 1924, classifies aliens desiring to proceed to the United States as *immigrants* and *nonimmigrants*. Under the act an alien is classified as an immigrant until he establishes to the satisfaction of the consular officer at the time of application for a visa, and to the satisfaction of the immigration officer at the time of application at a port of entry for admission, that he is a nonimmigrant.

Classification of Nonimmigrants

Nonimmigrants are classified under the 1952 act as follows:

(A) Government officials
(B) Temporary visitors
(C) Transit aliens
(D) Crewmen
(E) Treaty aliens
(F) Students
(G) International organization aliens
(H) Temporary workers
(I) Representatives of foreign press, radio, film, or other foreign information media.

Government Officials—The 1952 act classifies foreign-government officials in three categories under the provisions of section 101 (a) (15) (A) as follows:

(1) Ambassador, public minister, or career diplomatic or consular officer.

To be eligible for this nonimmigrant classification (Symbol A–1) the official must have been accredited by a foreign government recognized *de jure* by the United States, and he must be accepted by the President or the Secretary of State. The members of the immediate family of such official are accorded a similar classification.

(2) Other officials and employees of a foreign government.

To be eligible for this nonimmigrant classification (Symbol A–2) such aliens must have been accredited by a foreign government recognized *de jure* by the United States and must be accepted by the Secretary of State. Such foreign government must accord to the United States similar privileges with respect to United States officials and employees. The members of the immediate families of such officials and employees are accorded a similar classification.

(3) Attendants, servants, personal employees of the officials and employees of a foreign government referred to in (1) and (2).

To be eligible for this nonimmigrant classification, the foreign government must accord to the United States similar privileges with respect to United States officials and employees. The members of the immediate families of such attendants, personal employees and servants are accorded a similar classification.

The act exempts foreign-government officials of these three classes from certain of the exclusion and deportation provisions of the act in view of the fact that the U. S. Government maintains diplomatic relations with countries which may be expected to send representatives and employees to the United States who, without such exemptions, would be excludable. In general, the aliens of these classes are required to have passports and obtain suitable visas, and are not exempted from the provisions of the act relating to public safety.

Temporary Visitors—The 1952 act provides nonimmigrant classification for a temporary visitor, defined in the act as:

> an alien (other than one coming for the purpose of study or of performing skilled or unskilled labor or as a representative of foreign press, radio, film, or other information media coming to engage in such vocation) having a residence in a foreign country which he has no intention of abandoning and who is visiting the United States temporarily for business or temporarily for pleasure.

The term "business" refers to legitimate activities of a commercial or professional character but does not include purely local employment or labor for hire. The term "pleasure" refers to the purpose of an alien in coming to the United States temporarily as a tourist or for some other legitimate purpose, including amusement, health, rest, visits with relatives or friends, or education incidental to other purposes. An alien coming to the United States for the purpose of "study" is required to qualify under (F) as a "student" and is not classifiable as a temporary visitor.

Related Materials

Article by Mr. Coulter on the Department's visa work—BULLETIN of Oct. 10, 1949, p. 523; also available as Department of State publication 3649.
Text of President Truman's message explaining his veto of the Immigration and Nationality Act—BULLETIN of July 14, 1952, p. 78.
Text of regulations relating to diplomatic visas and to the documentation of nonimmigrants and immigrants, issued by the Department of State on Dec. 15, 1952—17 *Fed. Reg.* 11565.
Text of regulations issued by the Immigration and Naturalization Service, Department of Justice, on Dec. 17, 1952—17 *Fed. Reg.* 11469. (See also list of corrections, 18 *Fed. Reg.* 200.)
Excerpts from the report of the President's Commission on Immigration and Naturalization—BULLETIN of Jan. 19, 1953, p. 97.

An "Exchange Visitor" is an alien selected to participate in an exchange-visitor program designated by the Secretary of State under the provisions of the U. S. Information and Educational Exchange Act of 1948, as amended.

A temporary visitor for business is given the symbol "B–1"; a temporary visitor for pleasure is given the symbol "B–2"; and an exchange visitor is given the symbol "Ex."

Transit Aliens—The 1952 act provides nonimmigrant classification for an alien passing through the United States in immediate and continuous transit to a foreign destination or to and from the U. N. Headquarters District. An alien in transit is given the symbol C–1; an alien in transit to and from the U.N. Headquarters District is given the symbol C–2; a foreign government official, members of his immediate family, and his attendant servant or personal employee are given the symbol C–3. An alien who desires to travel more extensively or to remain for a longer period than is permitted to an alien entering the United States for immediate and continuous transit is required to apply for a visa under a different classification, usually that of temporary visitor.

Crewmen—The 1952 act provides nonimmigrant classification for the member of the crew of a vessel or aircraft serving in good faith in any capacity required for normal operation and service and intending to land temporarily and solely in pursuit of his calling as a crewman and to depart from the United States with the vessel or aircraft on which he arrived or some other vessel or aircraft. A crewman is given the symbol "D."

A crewman is required to be in possession of a passport, seaman's book, or other travel document showing the bearer's origin, identity, and nationality, if any, and valid for entry of the bearer into the country of issuance for a period of 6 months beyond the termination of the period of contemplated entry.

A crewman is also required to have an individual visa or, until all crewmen can be individually documented, to be included in a crew-list visa issued by a consular officer to the master of the vessel or commanding officer of the aircraft. A crew-list visa is not required, however, if the vessel or aircraft commences its journey to the United States from a port or place at which no American consul is stationed or is not readily accessible at a nearby place; if the vessel or aircraft is owned or operated by a foreign government and is of a noncommercial character; if the vessel or aircraft is operating solely between a port of the United States and a port of Canada; if the vessel or aircraft is operating on a regular service between a port in Florida and Habana, Cuba, and a crew-list visa is obtained to cover the first trip each month or whenever a new crewman is signed on at other times; if the vessel or aircraft touches at a port in the Virgin Islands; or if the vessel or aircraft which is proceeding from one foreign place to another and is diverted from its course to a port in the United States under emergency conditions. In such cases, however, the crewman may be permitted to land temporarily only upon a waiver by the Secretary of State and the Attorney General, jointly, on the basis of an unforeseen emergency in an individual case.

If a crewman is properly documented or a waiver is granted for him, he may be granted a conditional landing permit by the examining immigration officer on form I–95A, B, or C. This permit may, in certain cases, be used for landing on subsequent arrivals.

The definition of "crewman" in the act does not include a member of the crew of a fishing vessel having its home port or operating base in the United States. Such persons are classified as immigrants and are required to be documented as such.

Alien crewmen on a foreign naval vessel or aircraft are exempted from the documentary requirements relating to crewmen on other vessels or aircraft. In such cases, it is customary to make advance arrangements to cover arrival and in this connection the matter of documentation and waiver of documentary requirements.

Treaty Aliens—The 1952 act provides nonimmigrant classification for an alien accorded certain rights of entry and sojourn for trade or investment purposes under the provisions of a treaty of commerce and navigation between the United States and the foreign state of which he is a national. The act covers two categories of treaty aliens, a treaty trader and a treaty investor.

A treaty trader must be coming to the United States under the provisions of an applicable treaty, solely to carry on substantial trade, principally between the United States and the foreign state of which he is a national. Such alien is given the symbol "E–1." The spouse and child of such alien are given the same classification if accompanying or following to join him.

The term "trade" means trade of a substantial nature which is international in scope, carried on by the alien in his own behalf or as an agent of a foreign person or organization engaged in trade, and is principally between the United States and the foreign state of which the alien is a national.

A treaty investor must be coming to the United States under the provisions of an applicable treaty concluded after June 27, 1952, solely to develop and direct the operations of an enterprise in which he has invested or in which he is actively in the process of investing a substantial amount of capital. Such alien is given the symbol "E–2." The spouse and child of such alien are given the same classification if accompanying or following to join him.

With respect to treaty traders, treaties of com-

merce and navigation have been concluded between the United States and the following countries:

Argentina	Greece
Austria	Honduras
Belgium	Ireland
Bolivia	Italy
Borneo	Latvia
China	Liberia
Colombia	Norway
Costa Rica	Paraguay
Denmark	Spain
El Salvador	Switzerland
Estonia	Thailand
Ethiopia	Turkey
Finland	Yugoslavia
Great Britain	

No treaties covering investors have been negotiated up to January 6, 1953.

Students—The 1952 act provides nonimmigrant classification for an alien coming to the United States temporarily for study. A nonimmigrant student is given the symbol "F" and must qualify under the following definition:

> an alien having a residence in a foreign country which he has no intention of abandoning, who is a *bona fide* student qualified to pursue a full course of study at an established institution of learning or recognized place of study in the United States, particularly designated by him and approved by the Attorney General after consultation with the Office of Education of the United States . . .

The Attorney General has approved, until further notice, the schools and places of study which, as of December 23, 1952, are included in the list of approved institutions.

A student must show that he has adequate scholastic preparation to enable him to take a full course of study and he must be coming to take a full course. He must have adequate knowledge of English or other language acceptable to the institution. He must also have a passport valid for at least 6 months beyond the contemplated period of stay in the United States. He must also have made adequate financial arrangements to meet his needs.

Certain official students may be classified as foreign-government officials. Certain official and other trainees may be classified as foreign-government officials, or as exchange visitors under a designated program, or as temporary workers.

International Organization Aliens—The 1952 act provides nonimmigrant classification for an international organization alien, coming within one of the following five classes:

> (1) a designated principal resident representative of a foreign government recognized *de jure* by the United States, which foreign government is a member of an international organization entitled to enjoy privileges, exemptions, and immunities as an international organization under the International Organizations Immunities Act (59 Stat. 669), accredited resident members of the staff of such representatives, and members of his or their immediate family; (Symbol G–1).
>
> (2) other accredited representatives of such a foreign government to such international organizations, and the members of their immediate families; (Symbol G–2).
>
> (3) an alien able to qualify under (1) or (2) above except for the fact that the government of which such alien is an accredited representative is not recognized *de jure* by the United States, or that the government of which he is an accredited representative is not a member of such international organization, and the members of his immediate family; (Symbol G–3).
>
> (4) officers, or employees of such international organizations, and the members of their immediate families; (Symbol G–4).
>
> (5) attendants, servants, and personal employees of any such representative, officer, or employee, and the members of the immediate families of such attendants, servants, and personal employees; (Symbol G–5).

The act exempts international organization aliens of these five classes from certain of the exclusion and deportation provisions of the act, in a manner similar to that in the case of foreign-government officials. In general, the aliens of these classes are required to have passports and obtain suitable visas, and are not exempted from the provisions of the act relating to public safety.

Temporary Workers—The 1952 act provides nonimmigrant classification for a temporary worker coming within one of the following three classes:

> (1) an alien having a residence in a foreign country which he has no intention of abandoning, who is of distinguished merit and ability and who is coming temporarily to the United States to perform temporary services of an exceptional nature requiring such merit and ability [Symbol H–1]; or
>
> (2) who is coming temporarily to the United States to perform other temporary services or labor, if unemployed persons capable of performing such services or labor cannot be found in this country [Symbol H–2]; or
>
> (3) who is coming temporarily to the United States as an industrial trainee [Symbol H–3].

Before a nonimmigrant visa may be granted to an alien as a temporary worker, a petition by the prospective employer must have been filed with and approved by the Attorney General. The approval of a petition to bring in a temporary worker constitutes *prima facie* evidence that the alien may be granted such classification. However, the alien must satisfy the consular officer that he is entitled to this classification and if such officer has reason to doubt the *bona fides* of the case, he shall report the facts to the Department of State for the information of the Attorney General.

Representatives of Foreign Press, Radio, Film, or Other Foreign Information Media—The 1952 act provides nonimmigrant classification for a representative of foreign press, radio, film, or other foreign information media, if the foreign government of which the alien is a national accords similar treatment to American citizens of a similar class. Such alien is given the symbol "I."

The alien must be a *bona fide* representative of the foreign information medium and must be coming to the United States solely to engage in such vocation. The spouse and child of such alien, if accompanying or following to join him, are given the same status.

Documentary Requirements and Procedures for Nonimmigrants

PASSPORT AND VISA

The 1952 act requires a nonimmigrant to be in possession of a passport valid for a minimum period of 6 months from the date of the expiration of the contemplated initial period of stay, and a valid visa or border-crossing identification card, unless such documentation has been waived under authority of the act.

The term "passport" means any travel document issued by competent authority showing the bearer's origin, identity, and nationality if any, which is valid for the entry of the bearer into a foreign country.

A passport is not limited to a national passport but, in certain cases, may consist of two or more documents which, when considered together, fulfill the requirements.

A border-crossing identification card may be issued to a Canadian citizen or British subject having a residence in Canada, or to a Mexican citizen having a residence in Mexico, who has frequent occasion to cross the border for a legitimate purpose.

The act provides that the requirement of passport or visa or both may be waived by the Attorney General and the Secretary of State acting jointly:

(A) on the basis of unforeseen emergency in individual cases,

(B) on the basis of reciprocity with respect to nationals of foreign contiguous territory or of adjacent islands and residents thereof having a common nationality with such nationals, and

(C) in the case of aliens proceeding in immediate and continuous transit through the United States under a contract between the transportation line and the Immigration and Naturalization Service.

WAIVER OF PASSPORT AND VISA REQUIREMENTS

Under authority of the act, the passport and visa requirement has been waived for nonimmigrants in the following categories:

(a) *Canadian citizen* who has a residence in Canada and (1) is making application for admission to the United States from Canada; or (2) is making application for admission to the United States after a visit solely to some place in foreign contiguous territory or adjacent islands.

(b) *British subject* who has a residence in Canada and is making application for admission to the United States from Canada, or from, and after a visit solely to, some place in foreign contiguous territory or adjacent islands.

(c) *Mexican national* who (1) is a military or civilian official or employee of the Mexican national government, or of a Mexican state or municipal government, and the members of his family, making an application for admission to the continental United States from Mexico on personal or official business or for pleasure; or (2) is passing in immediate and continuous transit through the continental United States from one place in Mexico to another by means of a transportation line which crosses the border between the United States and Mexico; or (3) is a member of a fire-fighting group entering the United States in connection with fire-fighting activities.

(d) *International Boundary and Water Commission officers, employees, and other personnel* entering the United States in the performance of their official duties.

(e) *French national* who has a residence in French territory in the West Indies and who is in possession of a round-trip transportation ticket, and who is making application for admission into Puerto Rico or the Virgin Islands of the United States for business or pleasure.

(f) *Netherlands subject* who has a residence in Netherlands territory in the West Indies and who is making an application for admission to Puerto Rico or the Virgin Islands of the United States for not more than 24 hours.

(g) An alien being transported by railroad in immediate and continuous transit through the United States from one part of Canada to another, or directly from one part of Mexico to another, without stopover, in accordance with the terms of a contract between the transportation line and the Attorney General, provided that such alien while in the United States shall be in the custody of an officer of the United States or such other custody as may be approved by the Attorney General.

(h) An alien being transported by a transportation line (other than a railroad referred to in (g)), in immediate and continuous transit through the United States without stopover from one foreign place to another, in accordance with the terms of a contract between the transportation line and the Attorney General, provided that such alien is in possession of a travel document which is valid for his entry into a foreign country for a period of not less than 60 days after the date of transit, and such alien while not aboard an aircraft which is in flight through the United States, shall be in the custody of an officer of the United States.

(i) An alien member of the armed forces of the United States holding identifying documents and applying for admission under official orders or permit.

(j) An American Indian born in Canada, crossing the border.

WAIVER OF VISA BUT NOT OF PASSPORT REQUIREMENTS

Under authority of the act, the visa requirement but not the passport requirement has been waived for nonimmigrants of the following categories:

(a) *Canadian citizen* having a residence in Canada who is returning thereto from any country or place, and is making application for admission to the United States. (See previous categories for waivers of passport and visa requirements in certain cases.)

(b) *British subject* having a residence in British territory in the West Indies, who is making an application for admission to Puerto Rico or the Virgin Islands of the United States.

(c) *Netherlands subject* who has a residence in Netherlands territory in the West Indies and who is making an application for admission to Puerto Rico or the Virgin Islands of the United States for more than 24 hours.

(d) Nationals of foreign contiguous territory or adjacent islands who are entering the United States as seasonal or temporary workers under specific legislation enacted by Congress and in accordance with international arrangements concluded upon the basis of such legislation.

NONIMMIGRANT VISAS

Application—The act requires every alien applying for a nonimmigrant visa to state in his application his full and true name, the date and place of his birth, his nationality, his race and ethnic classification, the purpose and length of his

intended stay in the United States, his personal description, and such additional information as may be necessary to his identification and to the enforcement of the law and regulations.

In the case of a child under 14 years of age or an alien physically incapable of making an application, the application may be made by such alien's parent or guardian, or, if there is no parent or guardian, by any person having legal custody of, or a legitimate interest in him.

Application for a nonimmigrant visa is to be made on Form 257, consisting of an original copy and three copies (257 a, b, c, and d).

Every applicant for a nonimmigrant visa is required to appear in person before a consular officer to execute Form 257. However, in the discretion of such officer, personal appearance may be waived in the case of a child under 10 years of age, a government official, or an international organization alien.

Every applicant for a nonimmigrant visa is required to furnish with his application three identical photographs which reflect a reasonable likeness of the alien at the time of his application. Each photograph is to be 2 x 2 inches in size, unmounted, without head covering, on light background, and must clearly show a full front view of the facial features of the alien. The requirement of photographs may, in the discretion of the consular officer, be waived in the case of a child under 10 years of age, unless he is the bearer of a separate passport, a government official, or an international organization alien.

An alien must ordinarily apply for a nonimmigrant visa in the district of his residence. However, in a case involving hardship, a consular officer may accept an application from an alien physically present in his district, although such alien may have a residence in another district.

An applicant for a nonimmigrant visa is required to present with his application a certified copy of each document considered by the consular officer to be necessary to a determination of the alien's eligibility to receive a visa. However, if the alien establishes to the satisfaction of the consular officer that any document or record is unobtainable, the alien may be permitted to submit other satisfactory evidence of the fact to which such document or record would pertain. A document or record is to be considered to be "unobtainable" if it cannot be procured without causing the applicant or a member of his family actual hardship other than normal delay and inconvenience.

A medical examination may be required in the case of an applicant for a nonimmigrant visa if the applicant comes from an area or in a status which indicates that a medical examination is advisable or if the consular officer otherwise has reason to believe that the applicant may be ineligible to receive a visa on medical grounds.

Issuance—If a consular officer is satisfied that an applicant is a nonimmigrant and is eligible to receive a nonimmigrant visa, he may issue such visa, which is evidenced by a stamp placed in the alien's passport and properly executed by the officer. If the passport was issued by a government not recognized *de jure* by the United States, the visa stamp is not placed in the passport but is impressed on Form 257.

A single nonimmigrant visa may be issued to include more than one qualified applicant if each such alien executes a separate application. Usually a single nonimmigrant visa is issued to cover the members of a family group included in a single passport.

Fees—The act requires that the fee for a nonimmigrant visa shall, as nearly as practicable, correspond to the total of all similar visa, entry, residence, or other fees, taxes, or charges assessed or levied against nationals of the United States, in connection with their entry or sojourn, by the foreign countries of which such aliens are nationals or stateless residents. On a reciprocal basis, visa fees have been waived for nationals of a large number of countries. In some cases, however, substantial fees are required to be collected, on a reciprocal basis.

Validity—The validity of a nonimmigrant visa relates to the period during which it may be presented by the bearer at a port of entry in applying for admission. A nonimmigrant visa is usually valid for a period of 12 months but on a reciprocal basis it may be given a validity of 24 months. Under certain circumstances, however, a visa may be limited in validity to a shorter period or for one application for entry. Ordinarily, a nonimmigrant visa may be used by the bearer for any number of applications at ports of entry during the period of validity.

The period for which a nonimmigrant may be admitted by the immigration authorities at a port of entry is determined by such authorities and does not depend upon the validity of the visa.

Revalidation—A consular officer may revalidate a nonimmigrant visa which is about to expire or which expired less than 3 months prior to the application for revalidation, under certain conditions, if the officer is satisfied that the alien has maintained a *bona fide* nonimmigrant status and is otherwise eligible to receive a nonimmigrant visa.

Refusal of Nonimmigrant Visa—The act requires a consular officer to refuse nonimmigrant documentation to an alien under certain circumstances, as follows:

(1) if it appears to the consular officer from the statements in the application, or in the papers submitted therewith, that the alien is ineligible to receive a visa or other documentation under section 212 of the Act or any other provision of law;

(2) if the application fails to comply with the provisions of the Act or regulations issued thereunder; or
(3) if the consular officer knows or has reason to believe that the alien is ineligible to receive a visa or other documentation under section 212 or any other provision of law.

Exemptions—The act provides for nonimmigrants exemptions from the categories of aliens ineligible under section 212, as follows:

(1) illiterates;
(2) polygamists;
(3) aliens suffering from a physical defect, disease, or disability likely to affect his ability to earn a living, provided that a bond or undertaking has been given to the Attorney General to assure such alien's support;
(4) aliens appearing to be likely to become a public charge, provided that a bond or undertaking has been given to the Attorney General to assure such alien's support;
(5) foreign-government officials and International Organization aliens, with respect to exemptions from exclusion grounds other than those relating to passports and visas and public safety.

Revocation of Nonimmigrant Visa—A consular officer may revoke a nonimmigrant visa if he knows or after investigation is satisfied that the visa was procured by fraud, a willfully false or misleading representation, the willful concealment of a material fact, or other unlawful means, or the officer obtains information establishing that the alien was otherwise ineligible to receive the visa.

A consular officer may invalidate a nonimmigrant visa if he finds that the alien has become ineligible for such visa.

If practicable, the bearer of the visa is to be notified of the proposed revocation or invalidation and given an opportunity to show cause why such action should not be taken. Notice of revocation or invalidation of a nonimmigrant visa is to be given to an appropriate representative or official of the transportation line on which the alien is known or believed to intend to travel to the United States.

Registration and Fingerprinting—The act requires every alien applying for a visa to be registered and fingerprinted, except:

(1) Government official, (A) (i) or (ii).
(2) International Organization alien (G) (i, ii, iii, iv).
(3) Applicant for diplomatic visa exempted under the diplomatic visa regulations (22 CFR Part 40).
(4) Child under 14 years of age.

Admission or Exclusion of Nonimmigrant at Port of Entry—The bearer of a nonimmigrant visa issued by a consular officer is subject to examination by an immigration officer at a port of entry. The act (section 221 (b)) provides that

Nothing in this Act shall be construed to entitle any alien, to whom a visa or other documentation has been issued, to enter the United States, if, upon arrival at a port of entry in the United States, he is found to be inadmissible under this Act, or any other provision of law.

Temporary Admission of Excludable Alien—The act provides that an alien (*a*) who is applying for a nonimmigrant visa and is known or believed by the consular officer to be ineligible for such visa under one or more of the exclusion provisions enumerated in section 212 (a) of the act—other than those under (27) and (29)—which relate to aliens whose entry is contrary to public interest or public safety may, after approval by the Attorney General of a recommendation by the Secretary of State or by the consular officer that the alien be admitted temporarily despite his inadmissibility, or (*b*) who is inadmissible under one or more of the paragraphs enumerated in section 212 (a) of the act—except (27) and (29)—but who is in possession of appropriate documents or is granted a waiver thereof, be admitted into the United States temporarily as a nonimmigrant in the discretion of the Attorney General.

Classification of Immigrants

Immigrants are classified under the 1952 act as follows:

NONQUOTA IMMIGRANTS

(1) *Nonquota Spouse and Child of United States Citizen*

A United States citizen may file a petition with the Attorney General (Form I–133) to obtain nonquota immigrant status for an alien spouse or minor unmarried child or stepchild. The child must be under 21 years of age at the time of application at port of entry for admission. A "marriage," unless consummated, is not recognized unless the contracting parties were present at the marriage ceremony in the presence of each other. Accordingly, a marriage ceremony performed by proxy or by telephone is not recognized.

(2) *Nonquota Returning Resident Alien*

An alien having the status of an alien admitted into the United States for permanent residence, who has domicile in the United States and is returning from a temporary visit abroad is accorded nonquota immigrant status.

(3) *Nonquota Native of Western Hemisphere Country*

The act provides nonquota immigrant status for an alien born in Canada, the Republic of Mexico, the Republic of Haiti, the Dominican Republic, the Canal Zone, or an independent country of Central or South America. The act accords similar status to the spouse or unmarried minor child (regardless of country of birth) if accompanying or following to join such alien. This provision does not apply in the case of a Chinese person or a person coming under the Asia-Pacific triangle provisions, except an unmarried minor "triangle" child accompanying or following to join a Western Hemisphere alien.

(4) *Nonquota Person Eligible for Reacquisition of Citizenship*

The act provides nonquota immigrant status for

an immigrant who was a citizen of the United States and is entitled under section 324 (a) or 327 of the act to apply for reacquisition of citizenship. (Such person may be a woman expatriate who lost her citizenship by reason of marriage to an alien, or by reason of the loss of United States citizenship by her husband, or by reason of her marriage to an alien who was ineligible to citizenship, and who has not acquired any other nationality by any affirmative act other than marriage); or a military expatriate who lost his citizenship by entering or serving in the armed forces of a foreign state.

(5) *Nonquota Former Citizen Eligible for Repatriation*

The act provides nonquota immigrant status for an immigrant included within the second proviso to section 349 (a) (1) of title III of the act. Such person may be a child who lost his citizenship prior to January 1, 1948, through the naturalization in a foreign state of a parent or parents and who applies for a nonquota immigrant visa prior to December 23, 1953.

(6) *Nonquota Minister of Religion*

The act provides nonquota immigrant status for a minister of religion who continuously for at least 2 years immediately preceding the time of his application for admission to the United States has been, and who seeks to enter the United States solely for the purpose of carrying on the vocation of minister of a religious denomination. The religious denomination must have a *bona fide* organization in the United States and must have a genuine need for the services of the applicant. The religious organization must file a petition with the Attorney General on behalf of the minister and such petition must be approved before nonquota status may be accorded to the alien. The spouse or child of such alien may be given a similar status, if accompanying or following to join him.

(7) *Nonquota Employee of United States Government*

The act provides nonquota immigrant status for an immigrant who is an employee or an honorably retired former employee, of the United States Government abroad, and who has performed faithful service for a total of 15 years or more, if the principal officer of the Foreign Service establishment shall have recommended the granting of nonquota status to such alien in exceptional circumstances and the Secretary of State shall have approved such recommendation as in the national interest. The accompanying spouse and child of such alien may be granted a similar nonquota status.

QUOTA IMMIGRANTS

(1) *Needed Skilled Worker—First Preference*

The act provides that the first 50 percent of each quota (plus any portion of the remainder of the quota not needed for the second and third preference classes) shall be made available for the issuance of immigrant visas to qualified quota immigrants whose services are determined by the Attorney General to be needed urgently in the United States because of the high education, technical training, specialized experience, or exceptional ability of such immigrants and to be substantially beneficial prospectively to the national economy, cultural interests, or welfare of the United States. A similar status is accorded to the spouse and child accompanying such alien.

The person or concern in the United States desiring the services of such alien is required to file a petition on Form I–129 with the Attorney General and such petition must have been approved by him before the alien may be given first preference status.

(2) *Parent of United States Citizen—Second Preference*

The act provides that the next 30 percent of each quota (plus any portion of the quota not needed for the first and third preference classes) shall be made available for the issuance of immigrant visas to qualified quota immigrants who are the parents of a United States citizen 21 years of age or over. Such citizen child must file a petition on Form I–133 with the Attorney General and such petition must have been approved by him before the alien may be given second preference status.

(3) *Spouse and Child of Alien Lawfully Admitted for Permanent Residence—Third Preference*

The act provides that the remaining 20 percent of each quota (plus any portion of the quota not needed for the first and second preference classes) shall be made available for the issuance of immigrant visas to qualified quota immigrants who are the spouses or children of aliens lawfully admitted for permanent residence. Such lawful resident alien must file a petition on Form I–133a with the Attorney General and such petition must have been approved by him before the alien may be given third preference status.

(4) *Brother-Sister-Son-Daughter of United States Citizen—Fourth Preference*

The act provides that any portion of the quota not required for the issuance of immigrant visas to the first, second, and third classes, shall be made available for the issuance of immigrant visas to other qualified quota immigrants charged to such quota, and that not to exceed 25 percent of such remaining portion of each quota shall be made available for the issuance of immigrant visas to qualified quota immigrants who are the brothers, sisters, sons, or daughters of United States citizens. Such sons or daughters may be either married minor children or children 21 years of age or over, married or unmarried. The citizen must

file a petition on Form I–133 with the Attorney General and such petition must have been approved by him before the alien may be given fourth preference status.

(5) *Nonpreference Quota Immigrants*

The act provides that any portion of the quota not required for the issuance of immigrant visas to the first, second, third, and fourth preference classes, may be used for the issuance of immigrant visas to other qualified quota immigrants.

Under the provisions of the Displaced Persons Act of 1948, as amended, prior to July 1, 1954, up to 50 percent of a quota may be used for the issuance of visas to qualified nonpreference quota immigrants coming under the second proviso to section 3 (c) of the Displaced Persons Act.

An immigration quota may be reduced if so provided in an Act of Congress.

• *Mr. Coulter, author of the above article, is Assistant Director of the Visa Office. Part II of his article will appear in the* BULLETIN *of Feb. 9, 1953.*

Confirmations

John Foster Dulles

The Senate on January 21 confirmed John Foster Dulles as Secretary of State.

Henry Cabot Lodge, Jr.

The Senate on January 23 confirmed Henry Cabot Lodge, Jr., as U. S. representative to the U.N.

PUBLICATIONS

Recent Releases

For sale by the Superintendent of Documents, Government Printing Office, Washington 25, D. C. Address requests direct to the Superintendent of Documents, except in case of free publications, which may be obtained from the Department of State.

Mutual Defense Assistance. Treaties and Other International Acts Series 2466. Pub. 4691. 11 pp. 5¢.

Agreement between the United States and Peru—Signed at Lima Feb. 22, 1952; entered into force Apr. 26, 1952.

Mutual Defense Assistance. Treaties and Other International Acts Series 2467. Pub. 4692. 11 pp. 5¢.

Agreement between the United States and Cuba—Signed at Habana Mar. 7, 1952; entered into force Mar. 7, 1952.

Technical Cooperation, Snowy Mountains Hydroelectric Authority. Treaties and Other International Acts Series 2456. Pub. 4699. 7 pp. 5¢.

Agreement between the United States and Australia—Signed at Washington Nov. 16, 1951; entered into force Nov. 16, 1951.

Economic Cooperation With Indonesia. Treaties and Other International Acts Series 2484. Pub. 4700. 6 pp. 5¢.

Agreement, with annex, between the United States, Indonesia, and the Netherlands—Signed Feb. 11, 1952; entered into force Feb. 11, 1952.

American Dead in World War II, Hamm Military Cemetery. Treaties and Other International Acts Series 2446. Pub. 4704. 6 pp. 5¢.

Agreement between the United States and Luxembourg—Signed at Luxembourg Mar. 20, 1951; entered into force June 11, 1951.

Aviation, Flights of Military Aircraft. Treaties and Other International Acts Series 2417. Pub. 4708. 6 pp. 5¢.

Agreement between the United States and India—Signed at New Delhi July 2 and 4, 1949; entered into force July 5, 1949.

Double Taxation, Taxes on Estates of Deceased Persons. Treaties and Other International Acts Series 2533. Pub. 4775. 17 pp. 10¢.

Convention between the United States and Switzerland—Signed at Washington July 9, 1951; entered into force Sept. 17, 1952.

Together We are Strong. Commercial Policy Series 144. Pub. 4614. 40 pp. 20¢.

"In unity and cooperation among the free nations is the strength we need to face the common danger." A pamphlet picturing the need for trade to achieve collective security.

Where To Go for U.N. Information. International Organization and Conference Series III, 82. Pub. 4648. 35 pp. 15¢.

Sources of information in the United States about the United Nations and the U.N. specialized agencies.

Pacific Coast Conference on Private Investment in International Development, San Francisco, Sept. 24–25, 1952. Economic Cooperation Series 36. Pub. 4795. 19 pp. 20¢.

Summary of the discussions.

Time and People—Point 4 in Perspective. Economic Cooperation Series 37. Pub. 4816. 6 pp. 5¢.

Article by Stanley Andrews, Administrator, Technical Cooperation Administration.

UNESCO Basic Documents. International Organization and Conference Series IV, UNESCO 20. Pub. 4788. 25 pp. 20¢.

A collection of documents including the Constitution, the public law providing for U.S. membership, the by-laws of the Commission, the rules of procedure, and a list of member states of UNESCO.

The United States in the United Nations

A regular feature, will be resumed in a subsequent issue.

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†35	1/19	Meeting of Austrian treaty deputies
†36	1/19	Reports on Puerto Rico to U.N.
37	1/19	IIA covers Inauguration
*38	1/21	Exchange of persons
*39	1/21	Exchange of persons
40	1/22	Dulles: Letter to Dept. and FSO
†41	1/23	U.S. property in East Germany, Berlin

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† Held for a later issue of the BULLETIN.

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